



A G E N D A

General Plan/LCP Implementation Committee

October 15, 2008

3:30 p.m.

******PLEASE NOTE CHANGE TO FIRE CONFERENCE ROOM******

1. Approve Action Minutes from October 1, 2008

Attachment No. 1

3:30-3:35pm

2. Approve Action Minutes from October 8, 2008

Attachment No. 2

3:30-3:35pm

3. Draft Zoning Code Review

- Status report on bluff and canyon development regulations
- Review No. 4 - Residential Standards
R-1, R-2, RM zones

Attachment No. 3

3:35-6:45pm

AGENDA

4. Items for Future Agenda 6:45- 6:55pm

5. Public Comments on non-agenda items 6:55-7:00pm

6. Adjourn to October 22, 2008

Attachments:

1. Draft revised Action Minutes for October 1, 2008
 2. Draft Action Minutes for October 8, 2008
 3. Draft Code Review No. 4 - Residential Standards for the R-1, R-2, RM zones
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Attachment No. 1



CITY OF NEWPORT BEACH GENERAL PLAN/LCP IMPLEMENTATION COMMITTEE

DRAFT ACTION MINUTES

Action Minutes of the General Plan/LCP Implementation Committee held at the City Council Chambers, City of Newport Beach, on **Wednesday, October 1, 2008**

Members Present:

X	Ed Selich, Mayor, Chairman
X	Leslie Daigle, Mayor Pro Tem
X	Don Webb, Council Member
X	Barry Eaton, Planning Commissioner
X	Robert Hawkins, Planning Commissioner
X	Michael Toerge, Planning Commissioner

Advisory Group Members Present:

X	Mark Cross
	Larry Frapwell
	William Guidero
X	Ian Harrison
X	Brion Jeannette
	Don Krotee
X	Todd Schooler
	Kevin Weeda
	Dennis Wood

Staff Representatives:

X	Sharon Wood, Assistant City Manager
	David Lepo, Planning Director
X	Robin Clauson, City Attorney
X	James Campbell, Senior Planner
	Gregg Ramirez, Senior Planner

E = Excused Absence

Committee Actions

1. **Agenda Item No. 1** – Approval of minutes of September 24, 2008.

Action: Committee approved the draft minutes.

Vote: Consensus

2. Agenda Item No. 2 - Zoning Code Re-write

Action: The Committee reviewed comments prepared by Committee members Eaton and Hawkins regarding Part Two of the draft code. The Committee discussed all of the chapters in Part Two and directed staff to:

- address existing attached single family residential developments - no "R-1-A" zone, use R-1 zone with existing entitlements and add a provision requiring discretionary review for new attached single family projects.
- add Limited Term Permit to Section 20.30.030
- take another look at pg. 2-15 Note (2) of table 2-3 to verify that it is consistent with the General Plan policy prohibiting new subdivisions that create additional density
- modify the permit requirements in table 2-4 making retail sales less than 10,000 sq ft in OA a MUP and make retail sales more than 10,000 sq. ft. in OA a CUP; discussion that General Plan land use category allows flexibility and at the same time requires these uses to be ancillary; possibly require the site development review will require larger buildings to have discretionary review (idea)
- revise table 2-4 alcohol sales (off sale) accessory only to require MUP under OG and OM
- revise table 2-4 convalescent facilities to require a MUP in OG
- modify the definition of personal services as it is too broad for all areas including OA, OC, OM, OR – possibly require MUP. Resolution – create another subcategory in personal services that includes day spas, healing arts, tanning and tattoo called personal services limited and require MUP for this subcategory and permit the remainder
- revise definition of utilities as it is too broad as proposed and will allow larger facilities permitted by right in residential zones; resolution – use existing code definition of utilities that differentiates major and minor utilities
- revise table 2-2 where garages in the R-1 zones that face alleys to have a maximum setback of seven feet; this should apply to all residential zones except where we have wider alleys. Staff will work with Public Works to modify and clarify
- look into options other than changing zone of Balboa Island from R-1.5 to R-2; discussion – the zone designation should reflect permitted use and removal of FAR will streamline plan check; however, Balboa Island residents will be very concerned; resolution – Chairman Selich will take proposed change to the board of Balboa Island and staff will continue to evaluate and refine the development standards to ensure negative consequences are avoided with new standards.
- revise the definition of the Research and Development as it may be too broad. Concerns were expressed as to where it is permitted by right, a possible resolution was discussed by identifying a limited category to protect residential uses
- revise table 2-4 and prohibit large day care (15+ children) in the AO zone

- consider a revision of the permit requirements in the industrial zone for industrial uses - why CUP for facilities over 5,000 square feet; possible solution might be a larger threshold
- modify heading of the commercial permitted use tables to distinguish commercial from office zones
- clarify that the floor area limit for multi-family in CDM will be 1.5 (current standard) and not 1.75
- investigate why the rear setback for Balboa Island is 10 feet when the alley setback is most common
- investigate proposed 5-foot side setback for Buck Gully seems too restrictive; it is based upon fire hazard designation and there may need to be a change to make it more flexible in accordance with the Fire and Building Codes; staff will research and modify code accordingly

The public provided comments to the Committee and staff regarding:

- MU-W1 mixed use in Mariners Mile permits multi-family uses in residential and does not allow single family units – is this correct?
- MU-W1 does not allow bed and breakfast where they are currently permitted
- concern that the draft purpose of the planned community zone is unduly restrictive
- the time between meetings for the public to review the chapters is too limiting.

Due to time constraints Part Five (Planning Permit Procedures) was not discussed.

Vote: Consensus

3. Agenda Item No. 3 – Items for future agenda

Action: None

Vote: None

4. Agenda Item No. 4 – Public Comments on non-agenda items

None

Meeting Adjourned 6:45 p.m.

Attachment No. 2



CITY OF NEWPORT BEACH GENERAL PLAN/LCP IMPLEMENTATION COMMITTEE

DRAFT ACTION MINUTES

Action Minutes of the General Plan/LCP Implementation Committee held at the City Council Chambers, City of Newport Beach, on **Wednesday, October 8, 2008**

Members Present:

X	Ed Selich, Mayor, Chairman
X	Leslie Daigle, Mayor Pro Tem
X	Don Webb, Council Member
X	Barry Eaton, Planning Commissioner
X	Robert Hawkins, Planning Commissioner
X	Michael Toerge, Planning Commissioner

Advisory Group Members Present:

	Mark Cross
	Larry Frapwell
	William Guidero
	Ian Harrison
	Brion Jeannette
	Don Krotee
	Todd Schooler
	Kevin Weeda
	Dennis Wood

Staff Representatives:

	Sharon Wood, Assistant City Manager
X	David Lepo, Planning Director
	Robin Clauson, City Attorney
X	James Campbell, Senior Planner
X	Gregg Ramirez, Senior Planner

E = Excused Absence

Committee Actions

1. **Agenda Item No. 1** – Approval of minutes of October 1, 2008.

Action: Committee requested the draft minutes be revised.

Vote: Continued

2. Agenda Item No. 2 - Zoning Code Re-write

Action: The Committee reviewed comments prepared by Committee members Eaton and Hawkins regarding Part Five of the draft code. The Committee discussed all of the chapters in Part Five and directed staff to:

- re-evaluate at where “Director” and “Department” are used throughout chapters of Part 5
- remove footnote (3) from table 5-1 within the Emergency Permits column
- re-evaluate Section 20.66.020, Coastal Development Permits, which is very complex and confusing, look at provisions that may be contrary to existing practices especially in regard to City projects and route the section to other departments for review to see how the section may will affect their procedures
- delete (d) under Section 20.66.020 subsection G.2.b.(1)
- identify properties and potential affect to properties that may be subject to 20.66.020G.2.b.c
- add “and related uses” to language of pg. 5-17 Section 20.66.020 subsection G.2.a.
- add language to clarify that Density Bonus law will supersede parking requirement in Section 20.66.020 G.2.b.(3) on pg. 5-18 in certain instances
- remove last sentence of Section 20.66.020 subsection H.2.a.
- remove “a person” and “or public agency” from Section 20.66.030 subsection B.
- discuss Section 20.66.040 Reasonable Accommodations with City Attorney to clarify review authority when another discretionary permit(s) is applied for concurrently
- revise Section 20.66.050 E. Modification Permits to in include the physical hardship finding from the existing code
- clearly state that an application for a Planned Development Permit negates the need for and takes the place of a Site Development Review
- revise Section 20.66.070 E.1. on pg. 5-43 to require that all Zoning Administrator’s applications require noticing
- revise provision on pg. 5-46 Section 20.66.080 subsection E.5.a. to indicate that the public notice requirement is at the discretion of the Director
- add in date to Section 20.66.095 subsection D.1
- delete subsection C.3. under Section 20.68.060 on pg. 5-60
- revise language in Section 20.68.100 subsection E. by removing “burden/benefit” and replace with “affected”
- report on the Coastal Bluff and Canyon development standards at the next meeting

The public provided comments to the Committee and staff regarding:

- status requested on completion of Coastal Zone Appeal and Jurisdiction map and staff gave estimate of about 2-3 weeks
- status requested on completion of setback maps and staff will give update next week
- resident at 3600 Seashore concerned with neighbor parking in sideyard staff will look into and setbacks will be discussed with residential development standards at next meeting
- status requested on the remaining sections of the draft code and staff gave estimate of 2-3 weeks
- concern that Specific Plans all but Santa Ana Heights are being removed and staff explained that design guidelines will be in separate design manual which will be advisory not regulatory and review authority will review consistency

Due to time constraints Review No. 4 (Residential Standards R-1, R-2, and RM zones) was not discussed.

Vote: Consensus

3. Agenda Item No. 3 – Items for future agenda

Action: None

Vote: None

4. Agenda Item No. 4 – Public Comments on non-agenda items

None

Meeting Adjourned 6:30 p.m.

Attachment No. 3

Draft Code Review Topic No. 4
Residential Standards
R-1, R-2, RM Zones

Chapters/Sections to be discussed at meeting: Residential Standards found within Parts 2, 3 and 4 with a focus on the following standards and the relevant existing and new chapters.

1. Setback maps

- a. Existing Code: Part VII Districting maps
- b. New Code: new setback maps retain setback information from old maps, sample in Part 8

2. Setbacks

- a. Existing Code: Section 20.10.030
- b. New Code: Section 20.18.030 Table 2-2 and Table 2-3 pgs. 2-9 thru 2-11 and pgs. 2-12 thru 2-14 – new rear setback for Balboa Island and new side setback for Buck Gully along with new setbacks for Bluffs and Canyons

3. Height

- a. Existing Code: Sections 20.65 and 20.10.030 – measured to midpoint of sloping roof
- b. New Code: Sections 20.18.030 Table 2-2 and Table 2-3 pg. 2-10 and pg. 2-13, 20.30.050 pg. 3-13 – measured to the roof peak or to the top of a flat roof, new setback plane requirement regulates height in R-1 and R-2 (20.30.050 subsection A. 4.)

4. Grade

- a. Existing Code: within Ch. 20.65 – “natural grade”
- b. New Code: Section 20.30.040 pg. 3-10 – average grade for most lots

5. Floor Area Limit

- a. Existing Code: Sections 20.10.030 subsection (M) and 20.10.040 subsection (B)
- b. New Code: no floor area limit or replaced by lot coverage Sections 20.18.030 Table 2-2 and Table 2-3 and Table 2-3 (4) for RM which maintains floor area limit pgs. 2-10 2-13 2-14, and 20.60.190 subsection A. pg. 4-30

6. Outdoor living area/Open Space

- a. Existing Code: Sections 20.10.030 subsection (O), 20.10.040 subsection (C) – open space required for R-2 and MFR and R-1, R-2 and MFR in CDM West Newport and Balboa Peninsula

- b. New Code: Sections 20.18.030 Table 2-2 and 2-3 pgs. 2-10 and 2-13, 20.60.190 subsection B. pg. 4-30 – open space required for all R-1, R-2 and RM

7. Alley Setbacks

- a. Existing Code: Sections 20.10.030 subsection (I) and 20.60.030 subsection I. – provisions for alley setbacks based on width of alley and provision for encroachment of second floor for lot depths not exceeding 85 ft.
- b. New Code: Sections 20.30.090 subsection D.13. pg. 3-29, 20.18.030 Tables 2-2 and 2-3 pgs. 2-10 and 2-13 – provisions carried over from existing code with the addition of a minimum and maximum setback for garages adjacent to alleys

8. Outdoor Lighting

- a. Existing Code: Sections 20.60.050 provision for sports courts swimming pools and similar uses
- b. New Code: Section 20.30.060 subsections B.-E. pg. 3-18 – carries over existing provision with the addition of limiting light beams from crossing property lines and parking lot light standards applying to all uses of property

9. Parking Requirements and Standards

- a. Existing Code: Sections 20.66.020, 20.66.030, 20.66.040
- b. New Code: Sections 20.52.030 pg. 3-116, 20.52.040 pg. 3-117 Table 3-11 Residential Uses, 20.52.050 subsection B.1. pg. 3-121, 20.52.070 pg. 3-127 and 20.52.100 pg. 3-131 – majority carried over with some adjustments required covered parking needs to be in garage and added requirement for senior housing and live/work units

10. Fences, Hedges, and Walls

- a. Existing Code: 20.60 – limits heights within setbacks
- b. New Code: Section 20.30.030 pg. 3-7 – height limit increased for front yard added sections for decorative features, pool fencing, how to measure height, and prohibited materials

11. Accessory Structures

- a. Existing Code Ch. 20.60
- b. New Code: Sections 20.18.020 Table 2-1 pg. 2-8 and 20.30.090 Subsections A.1.d. pg. 3-23, D.2. pg. 3-26, D.7 pg. 3-28, D.8 pg. 3-28 – added provisions for garden structures, solar devices, decks, fireplaces, bbqs, foundations, basement walls and structural supports

Ramirez, Gregg

From: joyce Nugent [joyce6092660@yahoo.com]
Sent: Thursday, September 18, 2008 9:46 AM
To: Ramirez, Gregg
Subject: RE: draft of zoning code-Objection

Hi Gregg,

I object to Chapter 3, 20.52, 3b. SIDE SETBACK AREAS. The following requirements shall apply to parking or storage of motor vehicles, recreational vehicles, watercraft, trailers, and similar items in residential zoning districts:

b. Side setback areas. Parking or storage in required side setback areas (behind the rear line of the required front setback area) shall be allowed.

I am against parking of cars on side set backs. I now have 2-3 cars parked tandem in the duplex next to mine right under my bedroom and my tentants bedroom. These cars come and go at all hours of the day and night. They are renters and I am a owner who pays high property taxes.

Is this good enough to be presented to the zoning committee?

Sincerely,

**Joyce Nugent
3600 Seashore Drive**

10/15/2008

Ramirez, Gregg

From: skooler@aol.com
Sent: Tuesday, October 14, 2008 12:13 PM
To: Selich, Edward; Daigle, Leslie; don2webb@earthlink.net; eaton727@earthlink.net; rhawkins@earthlink.net; Ramirez, Gregg; Lepo, David
Subject: Residential Standards

I have reviewed the Residential Standards of the new proposed code. While I am sure that there will be more I have the following concerns.

1. 3-14 Item 4. b. Lots less than 40 feet in width. Is not consistent with how setbacks change at 40 foot lots. They change to a greater setback at lots greater than 40 feet (40.01 feet).

2. 3-23 A 1. b. Access to dwellings. This was originally written for Corona Del Mar where the lots are much longer than lots on the Peninsula or Balboa Island (30 x 118 vs 30 x 70). This whole section if applied city wide would create a hardship on smaller lots in the beach areas of Newport. If the Committee wants to apply this idea city wide I would recommend 40 foot wide lots as the barrier.

3. 4-30 A. 1. Third story limitations - Allowable floor area. The math used for this idea is not a real example of what is happening in the areas this was designed to limit. A 15% limit of third floor areas will not be consistent with what is already out there on smaller lots consistent with the Peninsula and Balboa Island. The example used is a typical Corona Del Mar lot. These are typically the largest 30 foot lots in Newport Beach. And this example is not consistent with what is out there. I will have examples of some of my work at the meeting.

4. 4-30 B. 1 & 2. Usable open space - 1. R-1 and R-2 zoning districts. On smaller lots this can create an unfair hardship. The need for second floor modulation or 3 dimensional movement is a good idea. Requiring that open space to be useable and accessible is not. Not every person wants decks. Can't we accomplish the same desire with roofs over the first floor. This requirement will penalize the person that provides this type of mitigation that may give us some greater design variety.

2. Qualified open space areas. a. area that is contiguous to this dimensional space should also qualify. While this may not be a problem on larger lots it is on smaller lots. many times as designers we are fighting for inches. Smaller roofs that attach to a qualifying deck or roof make a difference in the quality of the design and should count. I believe that we should invite all modulation or movement on smaller lots not penalize.

d. Requiring that all open space be located no higher than the second floor is a mistake on smaller lots. On a 30 x 70 foot lot for example the required open space typically would be 288 sq. ft.. If the required 25% is on the second floor the remaining 216 sq.ft would be required to be on the first floor (roughly the size of a large parking place). This is a hardship that is not acceptable. Typically there is just enough room to get a living, dinning room, Kitchen, Powder room combination on the first floor. Take away a space the size fo a large suv and nothing is left.

Thanks
Todd Schooler

Commissioner Hawkins' Policy Questions on Review No. 4
Residential Development Standards

1. pg. 3-5 Section 20.30.010 (purpose and applicability paragraph is very awkward and should be reworded as suggested or other suggestions)
2. pg. 3-8 Section 20.30.030 subsection C.1. Grade differential (this needs discussion. See the example: It is 8' within 4' of right of way with 42" open grill top.) and pg. 3-10 Figure 3-1 (do we really want the walls in the above sloped areas?)
3. pg. 3-14 Section 20.30.040 subsection C. (should there be other conditions that exist besides the previously altered list e.g. retaining structures, property line walls, planters, or excavation/fill?)
4. pg. 3-16 Section 20.30.050 subsection B.2..c. (why are non-residential taller than residential?)
5. pg. 3-17 Section 20.30.050 subsection C.1. (for period of time?)
6. pg. 3-17 Section 20.30.050 subsection C. 3. (length of the dormer?)
7. pg. 3-19 Section 20.30.050 subsection D. 2. (are we allowing buildings lesser than 200 feet?)
8. pg. 3-19 Section 20.30.060 (this section should apply to all uses of property and all zoning districts)
9. pg. 3-21 Section 20.30.080 (remove scenic and visual qualities and replace it with public views around)
10. pg. 3-22 Section 20.30.080 subsection E.1. (again remove scenic and visula qualities and replace it with public vews) and subsection E.5. (remove sheds from viewsheds to make it just views)
11. pg. 3-23 Section 20.30.080 subsection K. (does this section apply to the Coastal zone or the entire city?)
12. pg. 3-27 Section 20.30.090 subsection D.1. (add except as allowed by Director)
13. pg. 3-29 Section 20.30.090 subsections D.7.a., D.7.b., D.8.a (what about height and/or depth?)

14. pg. 3-30 Section 20.30.090 subsection D.9. (how many are there and what about a variance or mod?) and subsection D.9.a. (this is very confusing please explain)
15. pg. 3-31 Section 20.30.100 subsection D. (what does this apply to in residential zones where a permit is required? Only day care? Recovery facilities?)
16. pg. 3-34 Section 20.30.110 subsection D.1. (Does Bayside Chevron meet this standard with its vents and other improvements?)
17. pg. 3-37 Section 20.52.030 (parking waivers?)
18. pg. 3-39 Section 20.52.040 (under residential uses senior housing why not 2 per unit?)
19. pg. 3-49 Section 20.52.070 subsection C.2. (is this from HOA bylaws? Why are we proscribing garage door types?)
20. pg. 3-49 Section 20.52.070 subsection C.3.c. (the public had concerns about this. Should we consider changing it? What would it do to parking in the peninsula?)
21. pg. 3-51 Section 20.52.090 subsection B.1.a. (should on-street parking be included to indicate that parking demand will be less than requirement?)
22. pg. 3-53 Section 20.52 (what about in-lieu parking requirements?)

Responses to Barry Eaton's October 12th E-mail

Chapter 20.30 - Property Development Standards

81) Section 20.30.010.D. (page 3-7) talks about screening between different kinds of Districts; but it does not mention all the proposed new Mixed Use Districts at all. Is there no screening proposed with regard to those districts? **Yes, the intent is not to wall off the MU districts from commercial districts.**

82) Section 20.30.030.B. (page 3-7) lists special (and different) fence and wall regulations for Balboa, Balboa Island, Corona Del Mar, and West Newport. Is this in the existing Code? If not, why the proposed different standard? What is the difference between subsection 1. and subsection 2. in this Section? **Yes, there is no difference except subsection 2 there is no difference and these subsections can be combined. However, for the geographic areas covered by subsection 2, the existing code requires the upper 2 feet, 6 inches be at least 40 percent open where the proposed standard only requires the upper 3-feet to be at least 40 percent.**

83) The top illustration on page 3-9 appears to apply to the circumstances listed in question 82) above, rather than all the other residential zones throughout the City. Why is that? Should that circumstance be so labeled, and another illustration provided for the circumstance that applies to all the rest of the City? **Yes, we need to reference the figure within the applicable sections and staff does not believe an illustration is necessary for an unregulated 42-inch high fence or wall.**

84) Section 20.30.040 (Establishment of Grade - pages 3-10 through 3-13) is very long and complicated; but it appears to me to be in accord with what the Committee and the Architectural Advisory subcommittee had previously concluded would be the most equitable way of handling these cases. Is that correct? Are there any changes from the previous conclusions? **Yes, it is in accord with what the Committee and the Architectural Advisory subcommittee had previously discussed. No, there are not any substantive changes from the previous conclusions.**

85) Section 20.30.050.A.1. (page 3-13) refers to Subsections B and D, immediately after referring to Part 2 of the proposed Code; but the references are apparently to subsections within this Section of Part 3. Wouldn't it be more clear if "herein" was added at the end of this subsection? **It appears clear given that the titles of those referenced sections is included, but "herein" can be added.**

86) This Section goes on for 6 pages about height limits (from 3-13 to 3-18); but I can't find where the proposed Code defines what is a "flat roof" and what is a "sloped roof". Is it in this section somewhere, and I missed it? If not, shouldn't there be a reference in this Section to where that distinction is made? **Flat roofs and sloped roof standards are found in the various development standards within Part 2 (tables 2-2, 2-3, 2-6, 2-7 2-11, 2-12 & 2-12). The intent is that the "flat roof" standard would apply to any roof less than a 4 in 12 pitch. Clarification is needed in the residential tables 2-2 & 2-3.**

87) Section 20.30.050.B.2. (page 3-15) seems to exempt residential zones from Map H-1. Don't the "Shoreline Height Limits" on that map apply to the residential zones? If so, shouldn't this subsection state that? **No, the Shoreline Height Limitation Zone does not affect residential zones.**

88) Section 20.30.050.B.2. (page 3-15) designates height limits for residential zones, and nonresidential zones. Where are all the proposed Mixed Use Districts accounted for in this Section? And how are the High Rise areas of map H-1 applied, when they are not mentioned here? **It would be appropriate to include the mixed-use zones in this section. The establishment of the high-rise height limit must be established within Section 20.20.050 and it will be included. We need to change the reference from table 2-6 and consider adding it to the table 2-7 for one CG property.**

89) Section 20.30.050.C.3.a. (page 3-16) appears to allow dormers to exceed the normal height limit along the side of a structure, even if they constitute as much as 50% of the length of the structure. Isn't that a rather lengthy dormer to be permitted to exceed the height limit? **This would apply to "shed" dormers where the roof is less than 4:12 pitch. A traditional dormer design would comply without needing an exception. If the shed dormer is not acceptable given the proposed 50% width of the structure limit, subsection a should be eliminated and subsection b would remain.**

90) Section 20.30.050.C.11. (page 3-18) permits skylights to exceed the height limit by 6 inches - but only on flat roofs. Why wouldn't the same exception apply to sloped roofs? **It should apply to both flat and sloping roofs and we will correct it to allow for 6 inches above conforming roofs.**

91) Section 20.30.060A.3. (page 3-18) appears to permit 1 candlefoot of illumination to cross the property line. Does this apply to all Districts? Can you amplify or give an example or so of how much light that is? Shouldn't there be a difference between 2 adjacent commercial lots and a lighted tennis court in an otherwise relatively unlighted residential area? **No, the section does not allow the one candlefoot to cross the property line. This applies to nonresidential zoning districts. The one candlefoot is a minimum standard that is commonly used by many jurisdictions. There is a difference between 2 adjacent commercial lots and a lighted tennis court in a residential area per 20.30.060 subsection E. which requires an MUP for sports courts.**

92) Section 20.30.070.D.1. (page 3-19) permits deliveries until 10.00 PM on both weekdays and nonweekdays. Is this as currently stated in the existing Code? If not, why wasn't 9:00 PM considered for weekdays? **This is not within the current code and whether it should be 9:00PM is a policy decision. Furthermore, the language of the section is not accurate as it identifies a violation with a time period that is allowable. This will be corrected.**

93) Section 20.30.090.D.2. (page 3-19) states that a number of potentially noisy activities shall "not" be permitted during the daytime hours. Was "not" really supposed to be in this section? **This provision will be combined with subsection 1 if the standard is similar. Noisy activities will be confined to identified daytime hours.**

94) Section 20.30.080.A. (page 3-20) provides a very broad definition of potentially protected public views. Is this wide scope consistent with that stated in the General Plan? If it is broader, which categories go beyond the General Plan? **Yes, consistent with General Plan except we will add the word "significant" in front of "scenic" and there is additional language taken from the Coastal Land Use Plan (CLUP). Reference General Plan Natural Resources Policy 20.1 and 20.3 and for additional language reference CLUP 4.4.1-1 and 4.4.1-6.**

95) Section 20.30.090.A.1.c. (page 3-23) requires a minimum 36" wide "passageway" in at least one side setback. Does this apply to all Districts in all parts of the City? If not, which Districts and/or geographic areas does it apply to? **As drafted, this applies to all residential districts where the setback is applicable and it should only apply to residential lots and this will be changed.**

96) Section 20.30.090.B.2.b. (page 3-24). appears to state that on corner lots, the front yard shall be street on which the property is addressed. Really? So the (normally deeper) front yard on a 30' X 120' corner lot would be the entire length of the 120' frontage, if that is where the address is? Is this in the existing Code? I don't know of any other City in Orange County that designates the front yard on a corner lot in this manner. **The current code defines a front yard as the shortest property line adjacent to a street and this should be retained.**

97) Section 20.30.090.D.4. (page 3-27) appears to permit a lower awning or canopy into the required setbacks in the residential Districts than the nonresidential Districts. Why? Doesn't the required fire access apply to both residential and nonresidential relatively equally, as an example? Which category do all the proposed Mixed Use Districts fit into? **These standards are consistent with current code. Encroachments are not allowed in sideyard with awnings or canopies. The Mixed Use Districts are clearly identified to be included in the nonresidential standard.**

98) Table 3-3 (page 3-28) appears to permit bay and greenhouse windows to encroach 2 feet into required side yard setbacks?. Even when the required setback is only 3 feet? Does this comply with the Building and Fire Codes? **A minimum 2-foot setback to the property line must be maintained. This is in the current code and the draft will be modified.**

99) Section 20.30.090.D.8.a. (page 3-28) appears to permit freestanding fireplaces to occupy the required front setback area, without any limitation. Really? Does this apply to all Districts and geographic areas? Is there no minimum area required to be left over? Are there any limitations or variations between Districts? **Yes, this applies to all Districts. Correct, there is no proposed standard for residual open area. No distinction between districts is proposed as all fireplaces and barbecues (except the hood) are intended to be no more than 42 inches high.**

100) Tables 3-4 (on page 3-30) and 3-5 (on page 3-31) state the required "Solid Waste and Recyclable Storage Areas" in square feet. It appears that the intent of this is to state the minimum size of enclosed storage areas that contain storage bins, but that doesn't appear to be clearly stated. Shouldn't it be? **Yes, we'll revise to clearly state that the area is enclosed.**

101) Section 20.30.100.E.9. (page 3-31) states that these areas shall comply with NDPES and RWQCB. But it doesn't state "requirements". Shouldn't it? **Yes, we will add the word "requirements".**

102) Section 20.30.110.C.4. and D.1. (page 3-33) state that the height limit for fences and walls in the "Traffic Safety Visibility Areas" shall be 30", but that for hedges and shrubbery, it is 24". Why the difference? **The 24" is for the consideration that the hedges and shrubbery will grow and is consistent with current Public Works policy.**

Chapter 20.52 - Off Street Parking and Loading Standards (residential portions only)

103) Section 20.52.030.C. (page 3-116) states that fees may not be charged for parking that is required by the Zoning Code - only for parking provided in excess of the Code requirements. Is this in the existing Code? If so, has it ever been enforced? Does it apply to the Lido Medical building, for example? **No, this is new policy.**

104) Table 3-11 (on page 3-118) provides that "senior housing" has a requirement of only 1 parking space per dwelling unit, no matter the size of the unit, apparently. Is this in the existing code? Doesn't the affordable senior housing at Jamboree and Back Bay provide more parking than this for it's larger units? The only definition in Part 7 (on page 7-47) is for "Senior Citizen Housing Development", which restricts this definition to projects with at least 35 units, and

that meets the requirements of Civil Code Section 51.3(4). Is this the only kind of project that can meet the 1 space/unit parking requirement in Table 3-11? What about other senior projects? **No, this is not within the existing code and is a common standard to apply. The definition of "Senior Citizen Housing" is intended to be used in conjunction with the density bonus chapter and this definition is not intended to be used with this parking standard. We will provide clarification.**

105) Section 20.52.050.C.2. (page 3-122) permits parking spaces with a depth of only 17 feet. Is this in the current code? Is the 2'6" landscape overhang in parking lots permitted to encroach into this 17', so that only 14.5' remains? **The current code does not regulate the size of parking spaces (except residential) and we rely on the Public Works Design Handbook that provides for 17-foot deep commercial parking stalls with a maximum of 2.5 feet of a front overhang into landscaping. Only 14.5' would remain as pavement. The diagrams have a few inconsistencies and need to be corrected.**

106) Section 20.52.050.C.4. (page 3-123) prohibits compact parking. Is this in the current code? Does it apply to all Districts in all geographic areas? Why? **The current code does not regulate the size of parking spaces (except residential) and compact stall sizes are not consistent with the Public Works Design Handbook. Compact stalls were eliminated as vehicles grew over time. The proposed standard would apply to all Districts for consistency.**

107) Section 20.52.070.A.1.a. (page 3-127) states that the minimum width for parking on lots less than 40' wide is 17'6". I presume that this is for 2 side by side spaces. Shouldn't it say so? **This section needs to be clarified. Current code: 1 car garage = 9'3"x19, 2 car garage= 17'6"x19** Staff suggests the following standards:

Lot Width	Single Car/Tandem	Two car
30 feet or less	9' 3" x 20 (16)*	17' 6" x 20'
30.01-39.99 feet	10' x 20 (16)	18'6" x 20'
40 feet or more	10' x 20'	20' x 20'

*Director may approve less width with a zoning clearance only with duplex when two separate single car side by side garages are proposed -must be the maximum width possible

Part 3

Site Planning and Development Standards

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Chapter 20.30 – Property Development Standards

Sections

- 20.30.010 – Purpose and Applicability
- 20.30.020 – Buffering and Screening [New]
- 20.30.030 – Fences, Hedges, and Walls
- 20.30.040 – Grade Establishment [New]
- 20.30.050 – Height Limits and Exceptions [Revised]
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- 20.30.090 – Setback Regulations and Exceptions
- 20.30.100 – Solid Waste and Recyclable Materials Storage [New]
- 20.30.110 – Traffic Safety Visibility Area

20.30.010 – Purpose and Applicability

The purpose of this Chapter is to ensure that all development within the City is consistent with the General Plan, complies with the standards set forth in this Chapter, and serves to produce, make and further a stable, desirable and livable –an–environment which is consistent and of stable and desirable character that is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties, consistent with the General Plan. PQ: This paragraph is very awkward and should be reworded as suggested or other suggestions.

The standards of this Chapter apply to all zoning districts. These standards shall be considered in combination with the standards for each zoning district in Part 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), and Part 4 (Standards for Specific Land Uses). Where there may be a conflict, the standards specific to the zoning district or specific land use shall override these general standards.

All structures, additions to structures, and uses shall conform to the standards of this Chapter as determined applicable by the Director.

20.30.020 – Buffering and Screening [New]

This Section provides standards for the screening and buffering of adjoining land uses, equipment, and outdoor storage areas. Multi-unit residential and nonresidential land uses shall comply with the requirements of this Section.

A. Roof-mounted and ground-mounted mechanical equipment.

1. **Screening required.** The screening of roof-mounted and ground-mounted mechanical equipment is required in all zoning districts at the time of installation. Roof-mounted and ground-mounted mechanical equipment (e.g. air conditioning, heating, ventilation ducts and exhaust vents, swimming pool and spa pumps and filters, transformers and generators, and similar equipment, but excluding solar collectors and related equipment), shall be screened from public view and adjacent residential districts, and shall comply with the following:
2. **Exception to screening requirement.** Where it can be clearly demonstrated to the Director that the roof-mounted or ground-mounted mechanical equipment is not visible from any public rights-of-way and/or public property, the above requirement shall not apply.
3. **Roof-mounted mechanical equipment.**
 - a. **Screening.** Roof-mounted mechanical equipment shall not be visible in any direction (360 degrees) from a public right-of-way or adjacent residential property, as may be seen from a point 6 feet above ground level. In addition, screening of the top of roof-mounted mechanical equipment may be required by the Director, if necessary, to protect views from a residential zoning district located at a higher elevation.
 - b. **Height limit.** Roof-mounted mechanical equipment and screening shall be subject to the height limitations of Part 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) and any height limit exceptions in Section 20.30.050 (Height Limits and Exceptions).
 - c. **Screening methods.** Screening of roof-mounted equipment shall be accomplished with mechanical roof wells recessed below the roof line by solid and permanent roof-mounted screens. Screening shall be compatible with the architectural style, materials, and color of the building upon which the equipment is located, subject to the approval of the Department.
4. **Ground-mounted mechanical equipment.**
 - a. **Screening.** Ground-mounted mechanical equipment shall be screened from any public rights-of-way and/or public property as seen from a point 6 feet above ground level.
 - b. **Setback required.** Ground-mounted mechanical equipment and screening, except landscaping, shall be subject to the setback requirements of Part 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) and any allowed encroachments in Section 20.30.090 (Setback Regulations and Exceptions).
 - c. **Screening methods.** Screening of ground-mounted mechanical equipment shall be accomplished with fences, walls, solid hedges, or other methods approved by the Department. Chain link fencing with or without slats is not allowed.

5. **Sound rating.** Roof-mounted and ground-mounted mechanical equipment shall be subject to Municipal Code Section 10.26.025 (Exterior Noise Standards).
 6. **Mixed-Use and commercial zoning districts.** Mechanical equipment within mixed-use or commercial zoning districts shall be located so that the impact of noise on residential uses within the development and on adjacent residential uses is minimized to the greatest extent feasible ~~PQ: and shall in compliance~~ with Municipal Code Section 10.26.025 (Exterior Noise Standards).
 7. **Maintenance required.** Screening shall be maintained in good condition at all times. Landscaping used as screening shall provide a dense, year-round screen.
- B. Outdoor storage and display areas.** Where equipment, material, or merchandise is allowed to be stored outdoors, these items shall be screened from view in compliance with Section 20.60.150 (Outdoor Storage, Display, and Activities).
- C. Solid waste storage areas.** Screening of solid waste storage areas and trash receptacles shall be provided in compliance with the requirements of Section 20.30.100 (Solid Waste and Recyclable Materials Storage).
- D. Screening and buffering between different zoning districts.**
1. **Nonresidential use.** Where a nonresidential use abuts a residential zoning district, a solid masonry wall a minimum of 6 feet in height shall be required.
 2. **Industrial use.** Where an industrial use abuts a residential zoning district, a solid masonry wall a minimum of 8 feet in height shall be required.

20.30.030 – Fences, Hedges, and Walls

This Section provides standards for the provision of fences, hedges, and walls.

- A. Maximum height allowed.** Maximum heights of fences, hedges, and walls are shown in Table 3-1.

**TABLE 3-1
MAXIMUM HEIGHT OF FENCES, HEDGES, AND WALLS**

Location	Maximum Height
Front setback areas.	42 inches. See Subsection B, below.
Rear and interior side setback areas.	6 ft. in residential and commercial zoning districts. 8 ft. in industrial zoning districts adjacent to residential uses.
Rear setback area abutting or adjacent to the waterfront of Newport Bay, the shoreline of the Pacific Ocean, the Old Channel of the Santa River (the Oxbow Loop), or the channels in West Newport.	42 inches.
At intersections of streets, alleys and driveways within traffic sight areas.	See Section 20.30.110 (Traffic Safety Visibility Area).

- B. Special area regulations.**

1. **Balboa Peninsula, Balboa Island, Corona del Mar, and West Newport.** In front setback areas in Balboa Peninsula, Balboa Island, Corona del Mar, and West Newport fences and walls shall be allowed to extend to a height of 5 feet, provided that any portion of the fence or wall above 2 feet shall be constructed of open grillwork, wrought iron, latticework, pickets, or similar materials so that at least 40 percent of the portion of the fence or wall above 2 feet is open. Refer to the Exhibit example.
2. **East Bay Front on Little Balboa Island, and North Bay Front and South Bay Front on Balboa Island.** In front setback areas adjacent to East Bay Front on Little Balboa Island, and North Bay Front and South Bay Front on Balboa Island, fences and walls shall be allowed to extend to a height of 5 feet, provided that any portion of the fence or wall above 2 feet shall be constructed of open grillwork, wrought iron, latticework, pickets, or similar materials so that at least 40 percent of the portion of the fence or wall above 2 feet is open.

C. Exceptions to maximum height. PQ:

1. **Grade differential.** Where the existing grade of a lot adjacent to the front setback area is more than 24 inches above the adjacent sidewalk (or curb elevation where no sidewalk exists), a maximum 24-inch high retaining wall shall be allowed to be located at the front property line. Additional retaining walls shall be allowed to a maximum height of 36 inches each provided they are set back a minimum distance of 24 inches from the inward face of the previous retaining wall. Additional retaining walls shall be subject to the same limitation. A maximum 42-inch fence shall be allowed atop the upper most retaining wall for safety purposes, provided the fence is constructed of open grillwork, wrought iron, latticework, pickets, or similar materials so that at least 40 percent of the fence is open. This needs discussion. See the example: It is 8' within 4' of right of way with 42" open grill top.
2. **Decorative fence/wall details and lights. [New]**
 - a. Finials, light fixtures, pilaster caps, pots, and similar decorative items may be placed on fence or wall vertical support elements (e.g., pilasters, pillars, posts, etc.) provided they are secure and do not extend more than 12 inches above the maximum allowed height.
 - b. The number of decorative items (e.g., finials, pilaster caps, pots, and similar items) and light fixtures shall be limited to not more than one item or fixture for every 6 lineal feet of fence or wall.
3. **Fencing for pools and spas. [New]**
 - a. Swimming pools, spas, and other similar features shall be fenced in compliance with Municipal Code Title 15.
 - b. Required fencing and guardrails for ponds, spas, and swimming pools in the rear setback areas of lots with 42-inch height limitations may be allowed to exceed the height limit up to the minimum required by Municipal Code Title 15 in compliance with the following standards:

- (1) Fences shall be constructed of open grillwork, wrought iron, latticework, pickets, or similar materials so that at least 40 percent of the fence or wall is open; and
- (2) Fence height shall be limited to the minimum required by Municipal Code Title 15.

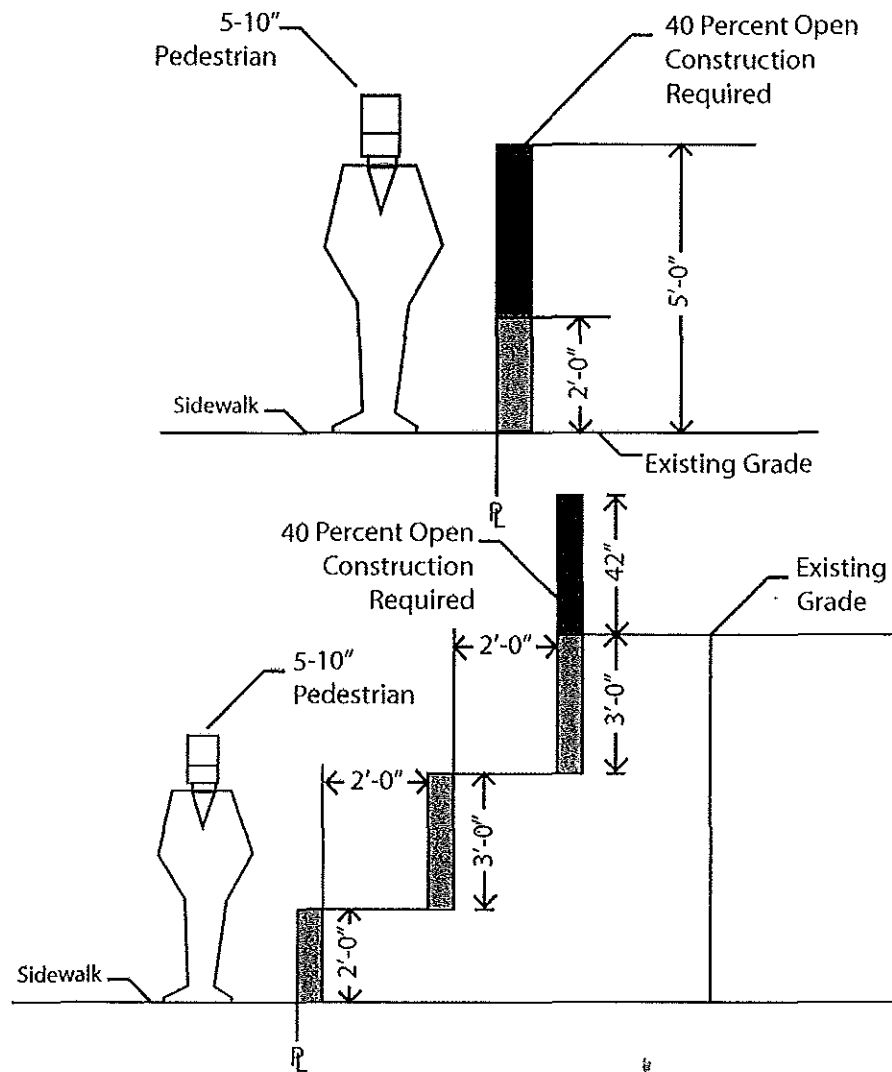
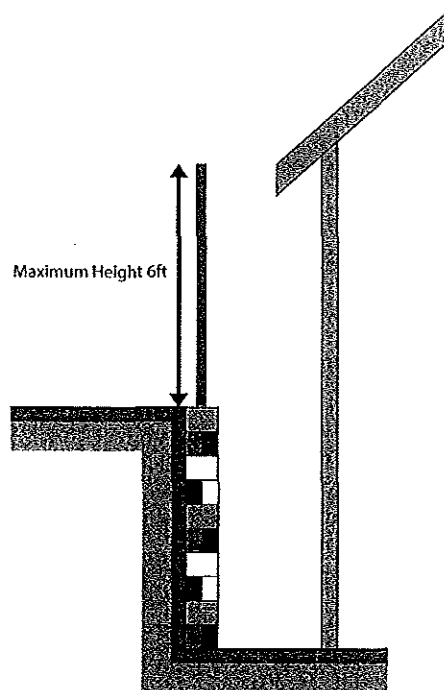


Figure 3-1
Grade Differential at Front Property Line

D. PQ: Do we really want the walls in the above sloped areas?

Measurement of fence or wall height. [New]

1. The height of a fence, hedge, or wall shall be measured from the lowest? existing grade at the location where the fence, hedge, or wall is located.
2. Where a fence or wall is constructed on top of a retaining wall the height of the fence or wall shall be measured from the side of the retaining wall with the highest elevation. See Figure 3-2



**Figure 3-2
Fence Height**

- E. Prohibited fence materials. [New]** Barbed wire, electrical fences, razor wire, and other similar materials as determined by the Director shall not be allowed in a residential zoning district.

20.30.040 – Grade Establishment [New]

This Section provides regulations for establishing the slope and grade of a lot for the purpose of identifying the surface from which to measure structure height to be used in conjunction with the provisions of Section 20.30.050 (Height Limits and Exceptions).

- A. Establishment of slope.** In order to determine which of the two methods to use to establish the grade of the lot from which to measure structure height as provided in Subsection B, below, it is first necessary to determine the slope of the lot as follows:
1. The slope of a lot shall be determined using a 4-sided polygon that most closely approximates the actual footprint of the proposed structure. The area of the 4-

sided polygon shall not be smaller than the footprint of the proposed structure and shall be located entirely within the buildable area of the lot; (See Figure 3-3)

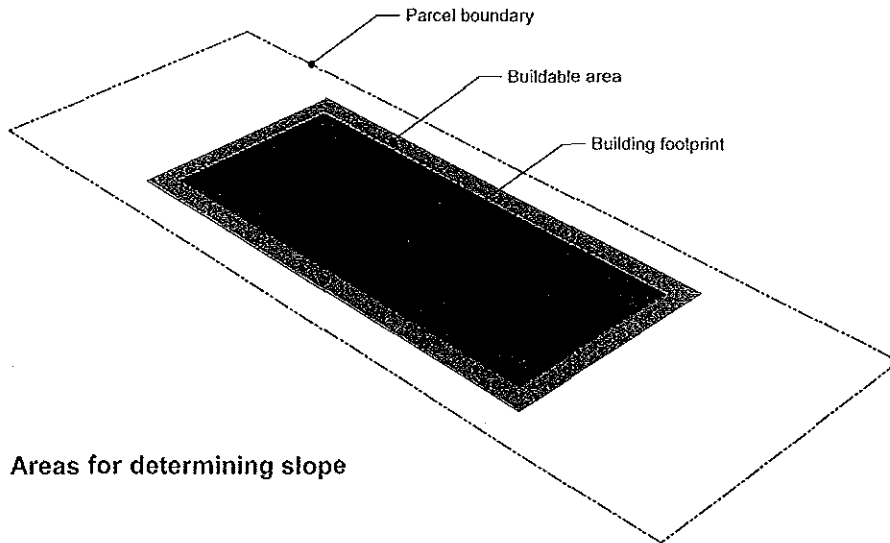


Figure 3-3
Area for Determining Slope

2. The slope of the polygon shall be determined using the highest and lowest elevation at any of the 4 corners of the polygon and the distance between the respective corners;
 3. If the location of the polygon selected by the applicant is not clearly representative of the lot's topography or representative of the prevailing slopes on adjoining lots because of retaining structures or previous excavation/fill, the Director shall establish the appropriate area to be used to determine the slope of the lot.
- B. Establishment of grade.** The grade of a lot shall be established by one of the following methods unless the Director establishes the grade in compliance with Subsection C (Establishment of grade by Director), below.
1. **Subdivisions.** If the City approves or has approved a grading plan in conjunction with an approved subdivision, the established grade shall be the finished grade as shown on the grading plan or Final Subdivision Map.

2. **5 percent or less slope.** On lots where the slope of the 4-sided polygon is 5 percent or less, the grade of the surface from which structure height is measured shall be a plane established using the average of the elevations at each corner of the 4-sided polygon. Example: $A + B + C + D = X$; $X/4 =$ Established grade elevation from which to measure structure height.
3. **More than 5 percent slope.**
 - a. On lots where the slope of the 4-sided polygon is greater than 5 percent, the established grade from which structure height is measured shall be a plane established by determining the elevation of the lot at 5 evenly spaced points along each of the 2 side property lines and connecting each of the points along a side property line with the corresponding point on the opposite side property line.
 - b. The 5 evenly spaced points along each side property line shall be located so that one point is located at the intersection of the front setback line with the side property line and another point is located at the intersection of the rear setback line with the side property line. The other 3 points along the side property line shall be located so that all 5 points are equidistant from each other. (See Figure 3-4)

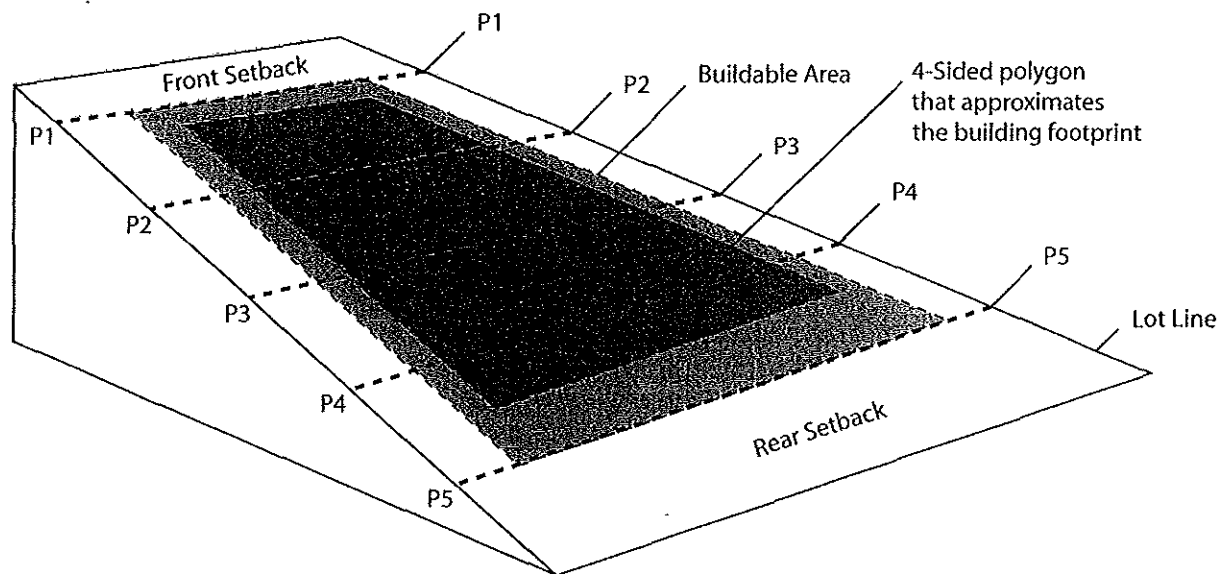


Figure 3-4
Slope Greater than 5%

- b. On lots that slope an average of 20 percent or greater, or on irregularly shaped or sloping lots, the Director may require that additional points of elevation be provided.

- C. **Establishment of grade by Director.** If the Director finds that the existing grade on the subject lot has been previously altered (e.g., contains retaining structures, property line walls, planters, or excavation/fill) to the degree PQ: or other conditions exist such that the existing grade is not representative of the prevailing grades on adjoining lots and, therefore, is not appropriate for the purpose of establishing the grade of the subject lot, the Director shall establish the grade that is reasonable and comparable with the grades of adjoining lots and that will not be detrimental or injurious to property and improvements on adjoining lots.

20.30.050 – Height Limits and Exceptions [Revised]

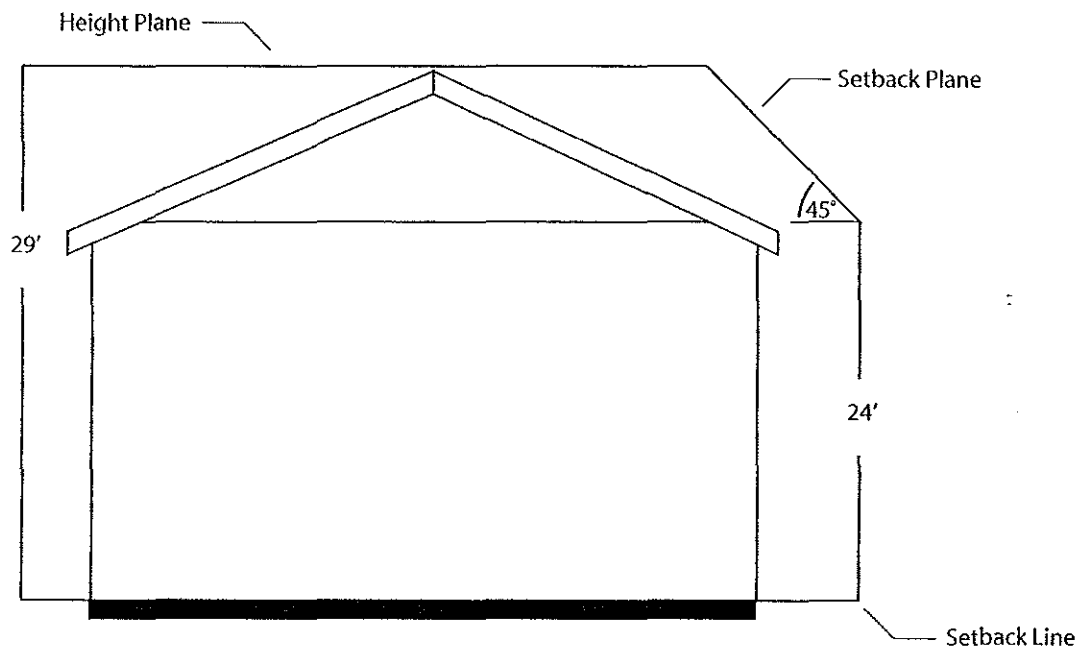
This section establishes regulations for determining compliance with the maximum allowable height limits established for each zoning district by Part 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards).

A. **Height of structures and measurement.**

1. **Structure height established.** Structures shall not exceed the maximum allowable height for the zoning district in which the structure is located in compliance with Part 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards), except as provided in Subsection B (Increase in height limit), or Subsection C (Exceptions to height limits and setback planes).
2. **Height measurement.** Height shall be measured as the vertical distance from the established grade of the pad to the highest part of the structure. The established grade of the pad shall be established by one of the methods identified in Section 20.30.040 (Grade Establishment).
3. **Flood hazard areas.**
 - a. **Finished first floor elevation.** The minimum required finished first floor elevation for interior living areas of all new structures within flood hazard areas established by the Flood Insurance Rate Maps recognized by the Building Department as part of flood safety requirements and maps adopted by the Council shall be at least 8.67 feet (NAVD 88) consistent with the Public Works Department standard for bulkhead elevation.
 - b. **Height measurement.** The height of a principal structure shall be measured from the elevation of the finished first floor, including habitable space over a garage or other nonhabitable space.
 - c. **Accessory structures.** The height of accessory structures may be measured from either the existing grade of the lot or the elevation established by the Flood Rate Maps.
4. **Setback plane in R-1 and R-2 zoning districts.** Height limits in the R-1 and R-2 zoning districts shall be regulated by a setback plane in compliance with the procedure below.
 - a. **Setback plane established.** A setback plane is established by projecting a vertical line at any point along a required setback line to a point the allowed height for a flat roof and beginning at that point

projecting a 45 degree angle extending toward the interior of the parcel to a point where it intersects a plane equal to the maximum height for the zoning district. (See Figure 3-X, (Setback and Height Planes), below.

- b. **Lots less than 40 feet in width.** The 45 degree angle side setback area plane will not apply to structures on lots less than 40 feet in width. On those parcels only the front and rear setback plane will apply.
5. **Structures on Ocean Boulevard.** New structures and additions/changes to existing structures on the bluff side of Ocean Boulevard in Corona del Mar shall not be constructed to a height greater than the elevation of the adjacent curb. The top of curb height limit shall be established by a plane created by the extension of the top of curb line across each lot.



**Figure 3-5
Setback and Height Planes**

B. Increase in height limit.

1. **Procedure.** The base height limits established in Part 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards) are a matter of right but may be increased within specified areas with the adoption of a planned community district, adoption of a specific plan, or approval of a Coastal Development Permit, Planned Development Permit, or Site Development Review. The maximum height limit as provided below is subject to not ~~guaranteed by right and shall require app~~approval of a discretionary action when all applicable findings are met in compliance with Subparagraph 3, (Required findings), below.

2. **Height limit areas.** Except for the residential zoning districts, the location of the height limit areas are indicated on the "Height Limit Areas Map" (See Part 8, Figure H-1), which is incorporated and made a part of this Zoning Code. The designations of the height limit areas shall be as follows;
 - a. **R-1 and R-2 zoning districts height limit area.** In this height limit area the base height limit for structures with flat roofs is 24 feet and the base height limit for structures with sloped roofs is 29 feet. The height of a structure may be increased up to a maximum of 28 feet with a flat roof or 33 feet with a sloped roof through the approval of a discretionary application as provided above. This height limit applies in all R-1 and R-2 zoning districts.
 - b. **RM zoning district height limit area.** In this height limit area the base height limit for structures with flat roofs is 28 feet and the base height limit for structures with sloped roofs is 33 feet. The height of a structure may be increased up to a maximum of 32 feet with a flat roof or 37 feet with a sloped roof through the approval of a discretionary application as provided above. This height limit applies in all RM zoning districts.
 - c. **Nonresidential shoreline height limit area.** In the nonresidential shoreline height limit area the base height limit for structures with flat roofs is 26 feet and the base height limit for structures with sloped roofs is 31 feet. The height of a structure may be increased up to a maximum of 35 feet with a flat roof or 40 feet with a sloped roof through the approval of a discretionary application as provided above. The shoreline height limit shall apply to all nonresidential zoning districts within its boundaries.
PQ : Why are non residential taller than residential ?
 - d. **Nonresidential, nonshoreline height limit area.** In this height limit area the base height limit for structures with flat roofs is 32 feet and the base height limit for structures with sloped roofs is 37 feet. The height of a structure may be increased up to a maximum of 50 feet with a flat roof or 55 feet with a sloped roof through the approval of a discretionary application as provided above. This height limit shall apply to all nonresidential, nonshoreline zoning districts within its boundaries.
3. **Required findings.** The review authority may adopt a planned community district, adopt a specific plan, or approve a Coastal Development Permit, Planned Development Permit, or Site Development Review to allow an increase in the height of a structure above the base height only after first making all of the following findings in addition to the findings required for the discretionary permit application:
 - a. The project applicant is providing additional project amenities beyond those that are otherwise required including the following:
 - (1) Additional landscaped open space;
 - (2) Increased setback and open areas;
 - ?(3) Additional or improved coastal access beyond that required;
 - (1) ?(4) Enhancement and protection of public views; and
 - (2) ?(5) Provision of public parking for coastal access.

- b. The architectural design of the project provides visual interest through the use of light and shadow, recessed planes, vertical elements, and varied roof planes;
- c. The increased height will not result in undesirable or abrupt scale changes or relationships being created between the proposed structure(s) and existing adjacent developments or public spaces. Where appropriate, the proposed structure(s) provide a gradual transition to taller or shorter structures on abutting properties; and
- d. The structure will have no more floor area than could have been achieved without the approval of the height increase.

C. Exceptions to Height Limits and Setback Planes

- 1. **Boat cranes.** Boat cranes used in conjunction with an approved marine-oriented nonresidential use may be allowed to exceed the maximum height limit up to a maximum operating height of 70 feet, subject to the approval of a Minor Use Permit. PQ: For what period of time?
- 2. **Chimneys and vents.** Chimneys for interior fireplaces and roof-mounted vents shall be allowed to exceed height limits to the minimum extent required by Municipal Code Title 15 (Building and Construction). Chimneys shall be allowed an additional 12 inches in height to provide a spark arrestor or a decorative architectural screen. Chimneys including a spark arrestor or decorative architectural screen shall be no larger than 2 feet in width and 4 feet in length. Chimneys for exterior fireplaces shall conform to the maximum height limit for the zoning district.
- 3. **Dormers.** [New] Dormers may be allowed to exceed the maximum height provided that:
 - a. The total width of the dormer that exceeds the height limit shall not be greater than 50 percent of the length of the side of the structure PQ?: length of the dormer?; and
 - b. The dormer shall not extend beyond a setback plane more than 2 feet from its intersection with the setback plane.
- 4. **Elevator shafts, enclosed stairwells.** Elevator shafts and enclosed stairwell housings may exceed the allowed height limit by the minimum height required by Municipal Code Title 15 (Building and Construction) provided they do not exceed 30 square feet in area, unless a larger elevator is required by Municipal Code Title 15 and/or Fire Department. In these instances, the area of the elevator or stair housing shall not exceed the minimum size required by Municipal Code Title 15 and/or Fire Department. Elevator shafts and enclosed stairwell housings that exceed 30 square feet in area shall have sloped roofs with a minimum 3/12 pitch.
- 5. **Fences, hedges, and walls.** Refer to Section 20.30.030 (Fences, hedges, and walls) sets forth ~~for~~ exceptions to height limits for these structures.

6. **Flag poles.**

- a. Ground-mounted flag poles shall be allowed in residential zoning districts to a maximum height of 28 feet and in nonresidential zoning districts to a maximum height of 35 feet.
- b. Flag poles mounted on tops of buildings located in nonresidential zoning districts shall be allowed to exceed the maximum height limit by up to 20 feet. [New]

7. **Landmark buildings.** An alteration or addition to a Landmark Building (why capitalized?) shall be exempt from height limits, provided that structural alterations or additions that exceed the height of the existing structure shall require approval of a Site Development Review in compliance with Section 20.66.070 and shall not exceed a maximum of 55 feet in height. The Site Development Review may be approved only if all of the following findings are first made in addition to those findings identified on Section 20.66.070:

- a. The portion of the structural alteration or addition that exceeds the height of the existing structure does not significantly impact views from public rights-of-way.
- b. The portion of the structural alteration or addition that exceeds the height of the existing structure will not be used in a manner that increases the intensity of the use of the Landmark Building.
- c. The allowed height of the Landmark Building will not be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the neighborhood of the Landmark Building.

8. **Light standards.** Light standards may be allowed to exceed maximum height limits, subject to the approval of a Site Development Review in compliance with Section 20.66.070. All light fixtures and standards shall comply with the requirements of Section 20.30.060 (Outdoor Lighting).

9. **Mechanical and solar equipment.**

- a. **Nonresidential zoning districts.** In nonresidential zoning districts, roof-mounted mechanical and solar equipment, totaling not more than 30 percent of the total roof area, including required screening devices, shall be allowed to exceed the maximum height limit by up to 5 feet.
- b. **Residential zoning districts.** In residential zoning districts, roof-mounted solar equipment, totaling not more than 30 percent of the total roof area, shall be allowed to exceed the maximum height limit by up to 3 feet.

10. **Assembly and meeting facilities.** Structures used as places of worship may be allowed to exceed the height limit subject to the approval of a Site Development Review in compliance with Section 20.66.070. Where more than one structure exists or is proposed for the site, only the principal structure shall be eligible for approval to exceed the maximum height limit.

11. **Skylights and roof windows.** When mounted on a flat roof, skylights or roof windows shall be allowed to exceed the maximum height limit by up to 6 inches.

D. Airport area height limits.

1. **Development applications.** Applicants for projects that require a notice of construction or alteration by Federal Aviation Administration (FAA) Regulations Part 77 shall submit a copy of the FAA application to the Airport Land Use Commission (ALUC) and provide the City with FAA and ALUC responses.
2. **ALUC review.** Development projects that include structures greater than 200 feet above PQ: Are we allowing buildings lesser than 200 feet??? existing grade shall be submitted to the Airport Land Use Commission (ALUC) for review. ALUC review comments shall be submitted to the City within 60 calendar days from the date of referral of the application to the ALUC and the determination shall be considered by the City before action on the project. If the ALUC fails to make a determination within the 60-day period, the proposed project shall be deemed consistent with the Airport Environs Land Use Plan (AELUP).

In addition, projects that exceed a height of 200 feet shall file Form 7460-1 with the Federal Aviation Administration (FAA).

20.30.060 – Outdoor Lighting [New]

This Section provides standards for the installation and use of outdoor lighting and shall apply to all uses of property PQ: and all zoning districts. The standards are intended to reduce unnecessary illumination of adjacent properties, conserve energy, minimize detrimental effects on sensitive environmental areas, and provide minimum standards for safety.

- A. **Protection from glare.** Exterior lighting ~~in nonresidential zoning districts~~ shall comply with the following:
 1. **Shielding required.** Exterior lighting shall be shielded and light rays confined within boundaries of the site.
 2. **Light spill prohibited.** Direct rays or glare shall not create a public nuisance by shining onto public streets and adjacent sites.
 3. **Maximum light at property line.** Not more than one candlefoot of illumination shall be present at the property line.
- B. **Photometric study.** The Director may require a photometric study as part of a development application if the Director determines that there is a potential significant negative impact on surrounding land uses, sensitive coastal resource areas, riparian habitats, arroyos, and lowland or upland habitat areas.
- C. **Lighting fixtures.** Exterior lights shall consist of a light source, reflector, and shielding devices so that, acting together, the light beam is controlled and not directed across a property line.

- D. **Parking lot light standards.** Light standards within parking lots shall be the minimum height required to effectively illuminate the parking area and eliminate spillover of light and glare onto adjoining properties. To accomplish this, a greater number of shorter light standards may be required as opposed to a lesser number of taller standards.
- E. **Outdoor recreation/entertainment areas.** Sports courts and similar facilities for outdoor recreation or entertainment located within a residential zoning district or closer than 200 feet to the boundary of a residential zoning district, shall not be lighted above ground level immediately adjacent to the facility unless a Minor Site Development Review has been approved in compliance with Section 20.66.070 (Site Development Review).

20.30.070 – Noise [New]

This Section establishes the standards for the regulation of noise levels to protect the health, safety, and welfare.

- A. **Compliance with Noise Control provisions.** All land uses and their associated activities shall comply with the provisions of this Section and Chapters 10.26 (Community Noise Control) and 10.28 (Loud and Unreasonable Noise) of the Municipal Code.
- B. **Acoustical study.** The Director may require the preparation of an acoustical study in instances where the Director it has been determined that a project may expose existing noise-sensitive land uses to noise levels exceeding the standards specified in Chapters 10.26 or 10.28 of the Municipal Code.
- C. **Noise exposure verification for new development.** Applicants for projects located in areas projected to be exposed to a CNEL of 60 dBA and higher may conduct a field survey, noise measurements, or other noise modeling analysis in a manner acceptable to the Director to provide evidence that the noise contours identified in the Noise Element of the General Plan do not adequately account for local noise exposure circumstances due to topography, variation in traffic speeds, and other conditions. These findings shall be used to determine the level of required noise attenuation methods and the feasibility of mitigation.
- D. **Noise regulations.** The following acts are a violation of this Section and are prohibited.
 - 1. **Deliveries.** Deliveries to a site within a nonresidential zoning district shall be allowed between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and Saturdays and between the hours of 9:00 a.m. and 10:00 p.m. on Sundays and Federal holidays.
 - 2. **Loading and unloading operations.** Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage containers, or similar objects in a nonresidential zoning district shall not be allowed between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and Saturdays and between the hours of 9:00 a.m. and 10:00 p.m. on Sundays and Federal holidays.

- E. Noise sensitive land uses.** New noise sensitive land uses that will be impacted by existing land use related noise sources shall be required to mitigate the noise levels from those noise sources so that the resulting noise levels on the proposed noise-sensitive land use(s) do not exceed the standards in Chapter 10.26 (Community Noise Control) of the Municipal Code.
- F. Mitigation of impacts.** Noise mitigation measures may be required in conjunction with the approval of an application for new development when a significant noise impact is identified. A significant noise impact occurs when there is an increase in the ambient CNEL produced by new development as indicated in Table 3-2, below.

**TABLE 3-2
SIGNIFICANT NOISE INCREASE**

CNEL (dBA)	dBA increase
55	3
60	2
65	1
70	1
Over 75	Any increase is considered significant

20.30.080 – Public View Protection [New]

This Section provides the regulations to ensure that new development is sited and designed to protect and, where feasible, enhance the PQ: public views around scenic and visual qualities of the City, including public views to, from, and along the ocean, bay, and harbor and to bluffs, canyons, open space, and other scenic areas. Neither this Section nor anything in this Code It is not the purpose of this Section to is designed to protect and does not protect views from private property.

- A. Applicability.** The provisions of this Section shall apply to discretionary applications for new development that has the potential to obstruct public views from public view points and roads as designated on General Plan Figure NR 3 (Coastal Views) to the Pacific Ocean, Newport Bay and harbor, offshore islands, the Old Channel of the Santa River (the Oxbow Loop), Newport Pier, Balboa Pier, designated landmark and historic structures, parks, coastal and inland bluffs, canyons, mountains, wetlands, and permanent passive open space.
- B. Initial evaluation.** Applications involving a new structure or expansion of an existing structure that involves one or more of the characteristics listed below shall be reviewed to evaluate the development's potential to impact public views:
1. The project site is located adjacent to the first public roadway paralleling the ocean, bay, harbor, channels, estuary, marsh, or slough;
 2. The project site is located adjacent to a coastal or inland bluff or canyon;
 3. The project site is adjacent to a public view point, road, public park or beach, or public accessway; or
 4. The project site contains significant natural landforms or natural vegetation.

- C. **Visual impact analysis.** If the initial evaluation indicates that the project may result in significant impacts to a public viewshed or the scenic and visual qualities of the Coastal Zone, the Director may require a site-specific visual impact analysis to determine and quantify impacts to the visual quality of the area and to visual access and identify mitigation measures designed to reduce or eliminate those impacts.

Where a new development has the potential to obstruct public views from a public right-of-way, park, scenic overlook, or similar public land to a significant scenic resource, a detailed view impact analysis may be required by the Department. The view analysis shall be prepared at the project proponent's expense. The analysis shall include recommendations to avoid impacts to significant views from public lands and rights-of-way and the recommendations shall be incorporated into the project's design.

- D. **View protection easement.** Where appropriate, the review authority may require applicants to provide public view protection easements to protect public views or to restore public views in developed areas.

E. **Project design and siting standards.**

1. Development projects shall be designed and sited to minimize impacts to public views and, where feasible, enhance PQ: public views in the scenic and visual qualities of the City.
2. Development projects on the edges of roads, including those along public streets, shall be designed and sited to frame and accent public views.
3. Where feasible, development projects shall incorporate setbacks that, in conjunction with setbacks on adjacent properties, will form functional public view corridors.
4. Larger development projects shall be designed so that structures are clustered, where feasible, and/or provide greater setbacks from adjacent development in order to provide open corridors and portals to create new and enhance existing public views.
5. Where feasible, development along roads shall prevent an appearance of the public right-of-way being walled off from the PQ: public viewsheds.

F. **Landscape standards.**

1. Landscape improvements shall be installed and maintained to ensure that landscape materials do not obscure or block public views at maturity.
2. Landscaping within public view corridors shall be limited to low-growing species that will not obscure or block public views.
3. Landscaping at the edges of roads from which there is a public view shall be designed, planted and maintained to frame and accent public views.
4. Landscaping shall be properly maintained in order to preserve and promote the aesthetic and environmental benefits provided by trees and the preservation of

public views of the surrounding locale, recognizing views can be enhanced and framed by properly maintained trees.

- G. **Signs.** Freestanding signs shall be designed and sited to ensure that they do not obscure or block public views.
- H. **Rooftop Mechanical Equipment.** The design and location of rooftop mechanical equipment and any required screening devices shall be considered early in the design process and identified on building plans to insure that the equipment will not obscure or block public views.
- I. **Utilities.** In non-residential districts, new utility connections and appurtenant and associated utility equipment shall be placed underground unless the Public Works Director determines that undergrounding is physically infeasible.
- J. **Antennas.** The design and location of antennas and any required screening devices shall be considered early in the design process and identified on building plans to insure that the equipment will not obscure or block public views.
- K. **Landform alteration.** Development shall be designed to minimize the alteration of bluffs, canyons, gullies, ravines, rock outcroppings, and other natural landforms and the removal of native vegetation. Site design and construction techniques may include the following: PQ: Does this section apply to the Coastal zone or the entire city?
 - 1. Placing development on the flattest area of the site, except when an alternative location is more protective of coastal resources See question above;
 - 2. Utilizing existing driveways and building pads to the maximum extent feasible;
 - 3. Clustering building sites;
 - 4. Shared use of driveways;
 - 5. Designing buildings to conform to the natural contours of the site, and arranging driveways and patio areas to be compatible with the slopes and building design; See question above
 - 6. Utilizing special foundations, (e.g., stepped, split level, or cantilever designs);
 - 7. Detaching parts of the development; and
 - 8. Requiring altered slopes to blend into the natural contours of the site.

20.30.090 – Setback Regulations and Exceptions [Revised]

This Section establishes standards to ensure the following: the provision of open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light and ventilation; separation of incompatible land uses; space for privacy, landscaping, and recreation; protection of natural resources; and safety from fire and geologic hazards.

A. Setback requirements.**1. Structures.**

- a. Principal structures.** Principal structures shall conform with the setback requirements established for:
 - (1) Each zoning district in Part 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards) of this Code;
 - (2) Any specific uses identified in Part 4 (Standards for Specific Land Uses) of this Zoning Code;
 - (3) Any special setback areas established in Chapters 20.38 (Bluff, Canyon, and Shoreline Protection Standards in the Coastal Zone) and 20.40 (Bluff and Canyon Protection Standards Outside the Coastal Zone); and
 - (4) Any special setback areas established in Municipal Code Title 9 and Title 15.
- b. Access to dwellings.** On lots 30 feet wide or more, a 4 foot side setback area shall be maintained up to a minimum height of 8 feet above existing grade between the primary entrance of a single- or two-unit dwelling and the public street or alley. Within this area, a 3-foot wide unobstructed walkway shall be provided. The walkway shall be paved and the only above grade encroachments allowed in this area shall be steps necessary for use of a first floor entrance. The requirements of this Section are not intended to affect the buildable area of a lot.
- c. Access to side setback area.** Regardless of the setback area encroachments allowed by this Subsection, a minimum 36-inch wide passageway shall be maintained within at least one side setback area adjacent to the principal structure in compliance with the following:
 - (1) The passageway shall be free of any encroachments or obstructions from ground level to a height of 8 feet, including mechanical equipment, and other items attached to, or detached from, the principal structure;
 - (2) Fences and walls located immediately adjacent to the property line may encroach up to 6 inches. No reduction or modification to this requirement shall be allowed; and
 - (3) The opposite side setback area may have encroachments allowed by this Subsection.
- d. Accessory structures.** All accessory structures shall comply with the setback requirements established for:
 - (1) Accessory Structures in Section 20.30.090 and any allowed encroachments provided in this Section; and

- (2) Any special setback areas established in Municipal Code Title 9 and Title 15.

2. **Setback areas to be open.** Each required setback area shall be open and unobstructed from the ground upward, except as provided in this Section.

B. Location and measurement of setbacks. Setbacks shall be located and measured as follows:

1. **General.**

- a. **Measure at right angles.** The distance/depth of a setback area (i.e., front, side, or rear) shall be measured at right angles from the nearest property line establishing a setback area line parallel to that property line.
- b. **Future street right-of-way.** Whenever a future street right-of-way line is officially established, required setback areas shall be measured at right angles from the established future right-of-way line(s).

2. **Front setback area.**

- a. **General.** The front setback area shall extend across the entire width of the lot frontage.
- b. **Corner lots.** The front setback area for a corner lot shall be measured from the property line adjoining the street to which the property is addressed.

3. **Side setback area.** The side setback area shall be established by a line parallel with the side property line and extending between the front and rear setback areas.

4. **Street side setback area.** The side setback area on the street side of a corner lot shall be established by a line parallel with the side property line adjoining the street and extending between the front and rear setback areas.

5. **Rear setback area.**

- a. **General.** The rear setback area shall extend across the entire width of the rear of the lot.
- b. **Irregular shaped lots.** Where the side lot lines converge to a point at the rear of the lot, a line 10 feet long within the lot, parallel to and at a maximum distance from the front lot line, shall be deemed to be the rear lot line for the purpose of determining the depth of the required rear setback area. See Figure 3-X. (Rear Setback Areas on Irregularly-shaped Lots), below

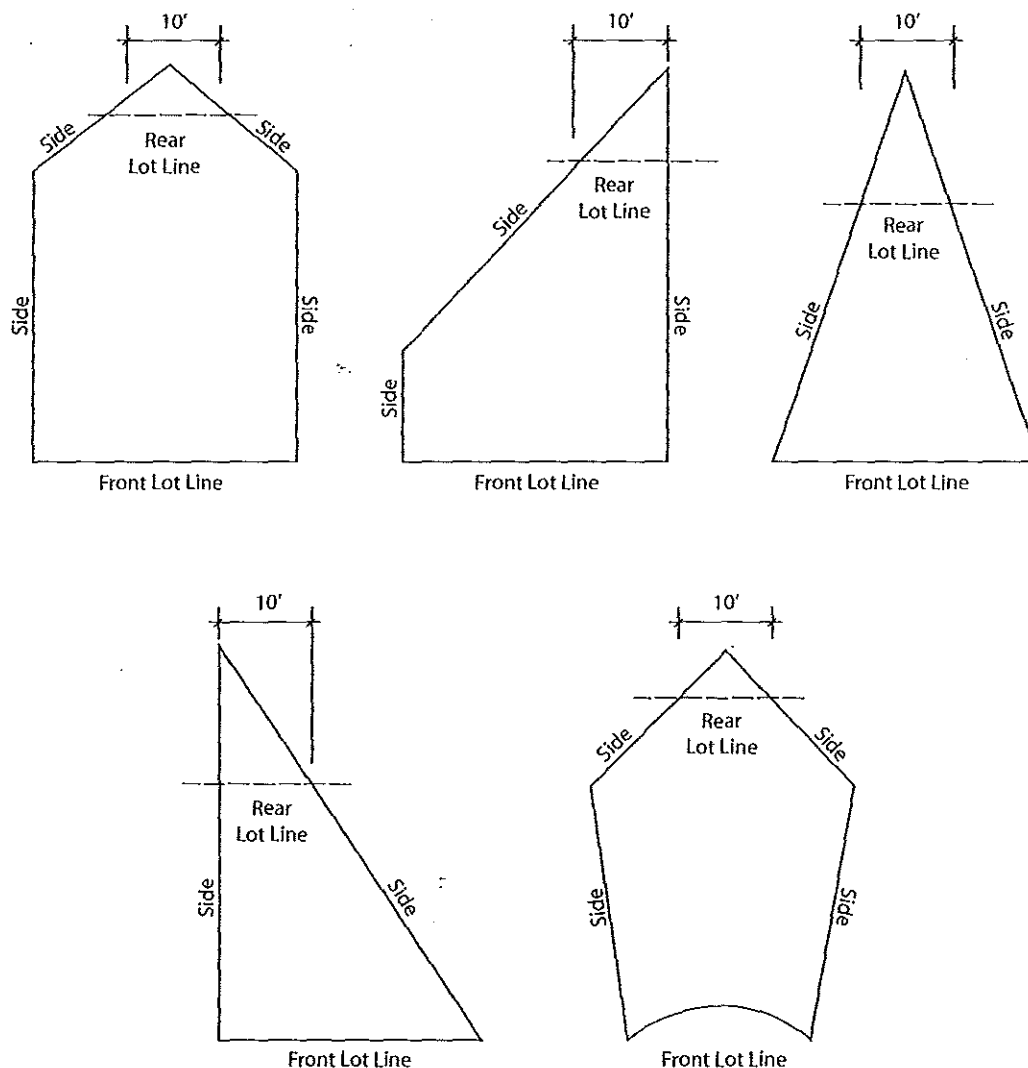


Figure 3-6
Rear Setback Areas on Irregularly-Shaped Lots

6. **Bluff and canyon setback area.** The bluff and canyon setback area shall be established in compliance with Chapters 20.38 (Bluff, Canyon, and Shoreline Protection Standards in the Coastal Zone) and 20.40 (Bluff and Canyon Protection Standards Outside the Coastal Zone). The bluff and canyon setback area shall/may Aren't these different??? be used in determining the maximum potential building envelope for the lot.
- C. **Alternative setback area location.** In cases where the orientation of an existing lot and the application of the setback area is not consistent with the character or general orientation of other lots in the vicinity, the Director shall may redefine the location of the front, side, and rear setback areas to be consistent with surrounding properties. This reorientation of setback areas is not applicable to bluff and canyon setback lines/areas.
 - D. **Allowed encroachments into setback areas.** Encroachments into required setback areas are allowed in compliance with the standards in this Subsection, except as provided Paragraph 1, below.

1. **Exceptions.**

- a. **Waterfront areas.** PQ ?: Except as allowed by the Director, Allowed encroachments into required setback areas abutting or adjacent to the waterfront of Newport Bay, the shoreline of the Pacific Ocean, the Old Channel of the Santa River (the Oxbow Loop), or the channels in West Newport shall not exceed a height of 42 inches above the existing grade.
- b. **Bluff and canyon areas.** The encroachments allowed by this Subsection do not apply to a bluff or canyon setback areas. For allowed encroachments into a Bluff or Canyon Setback Areas refer to Chapters 20.38 (Bluff, Canyon, and Shoreline Protection Standards in the Coastal Zone) and 20.40 (Bluff and Canyon Protection Standards Outside the Coastal Zone).

2. **Accessory structures**

- a. Accessory structures, including housings for mechanical equipment, not more than 6 feet in height and totaling no more than 150 square feet per structure, may be located within a required side or rear setback area other than those abutting an alley.
- b. Arbors, trellises, and similar garden structures may be allowed to encroach into required front, side, and rear setback areas subject to the following limits:
 - (1) The maximum footprint of the structure shall not exceed 16 square feet; and
 - (2) The maximum height of the structure shall not exceed 9 feet.
- c. Fences, hedges, and walls may be established within required setback areas in compliance with the requirements of Section 20.30.030 (Fences, Hedges, and Walls).
- d. Solar devices, hot tubs, and other similar equipment that are placed directly upon the existing grade and are less than 36 inches in height may be located within a required side or rear setback area other than those abutting an alley.
- e. Decks, landings, patios, platforms, porches, steps, and terraces, and similar structures not more than 18 inches **[new]** in height measured from the existing grade may be located within a required side or rear setback area other than those abutting an alley.

3. **Architectural features.**

- a. Roof overhangs, brackets, cornices, and eaves may encroach up to 30 inches into any required front, side, or rear setback area, provided that no architectural feature shall project closer than 24 inches from a side property line and a minimum vertical clearance above grade of at least 8 feet is maintained

- b. Decorative architectural features (e.g., belt courses, ornamental moldings, pilasters, and similar features) may encroach up to 6 inches into a required setback area.
- 4. **Awnings and canopies.** Awnings and canopies may encroach into required setback areas up to a maximum of 5 feet subject to the following limits.
 - a. Residential districts.

Front: One half the depth of the required front setback area
Side: 0 feet
Rear: 2½ feet
Vertical Clearance: 6½ feet above grade
 - b. Nonresidential districts, including mixed use districts

Front: One half the depth of the required front setback area
Side: 2 feet
Rear: One half the depth of the required rear setback area
Vertical Clearance: 8 feet above grade.
- 5. **Balconies abutting East Ocean Front and West Ocean Front.**
 - a. Balconies abutting East Ocean Front or West Ocean Front on the Balboa Peninsula may encroach up to a maximum of 36 inches into a required front setback area along East Ocean Front and West Ocean Front. Balcony railings shall not exceed a maximum height of 42 inches and shall be constructed of either transparent material (except for supports) or opaque material (e.g., decorative grillwork, wrought iron, latticework, or similar open materials) so that at least 40 percent of the railing is open.
 - b. Balconies shall be cantilevered so that no underlying support is necessary. Roofs over balconies shall not be allowed to encroach into required front setback areas except as provided in Section 20.30.090.D.3 (Architectural features), above.
- 6. **Bay windows and greenhouse windows.** Bay windows and greenhouse windows shall be allowed to encroach into required setback areas subject to the following limits:
 - a. No more than 2 bay windows or greenhouse windows shall be allowed to encroach into any one setback area.
 - b. Bay windows and greenhouse windows shall not exceed 8 feet in width or 10 feet in height within the area of encroachment.
 - c. Bay windows and greenhouse windows shall be cantilevered and shall be designed to preclude use as a door or entry.

- d. The exterior bottom surface of a bay window or greenhouse window shall be elevated a minimum of 18 inches above the adjacent finished interior floor surface at the required building setback line.
- e. Encroachments into required setback areas shall be limited as follows:

**TABLE 3-3
ENCROACHMENT**

Standard	Allowed Encroachment	Additional Regulations
Front setback (4 feet to less than 10 ft.):	16 in.	
Front setback (10 ft. or more):	2 ft.	
Side setback:	2 ft.	Limited to first floor only.
Rear setback:	2 ft.	Not allowed when the rear property line abuts an alley.
Distance Between Detached Structures:	2 ft.	

7. Fireplaces, barbeques, and chimneys - attached [New]PQ:

- a. **Front and rear setback area.** Fireplaces, barbeques, and chimneys attached to the principal structure that are less than 9 feet in width What about height and/or depth? may encroach up to 2 feet into a required front or rear setback area that is 10 feet or greater in depth.
- b. **Side setback area.** Fireplaces and chimneys attached to the principal structure that are less than 9 feet in width Height or depth? may encroach up to 30 inches into a required side setback area provided that the encroachment shall be at least 24 inches from the side property line.

8. Fireplaces and barbeques - freestanding. [New]

- a. **Front setback area.** Freestanding fireplaces (gas only) and barbeques with a maximum height of 42 inches (not including the barbeque hood) shall be allowed to encroach into the required front setback area provided the total length height or depth? of the barbeque and counter does not exceed 6 feet.
- b. **Side and rear setback area.** Freestanding fireplaces (gas only) and barbeques with a maximum height of 6 feet shall be allowed to encroach

into the required side or rear setback area provided a minimum 36-inch clear path of travel is maintained adjacent to any habitable structures.

9. **Garages and carports for duplexes.** Where 3 parking spaces are located in garages or carports across the rear of a lot that is less than 30 feet 10 inches how many are there? What about variance or mod? wide, one garage/carport wall or support may encroach into the required side setback area subject to the following:
 - a. **Distance to property line.** The distance from the garage wall or carport support element to the closest side property line shall be not less than 26 inches plus the amount that the width of the lot exceeds 30 feet. PQ. This is very confusing. Please explain. The other side setback area shall have a clear passageway a minimum of 36 inches wide, clear of any obstructions; and

Width of garage/carport. The width of each garage/carport shall not be larger than the minimum required by Section 20.52.070 (Parking Standards for Residential Uses).

10. **Foundations, basement walls, and structural supports. [New]** Foundations, basement walls, and their structural supports (caissons) that are located completely below grade may encroach into a required setback area up to 12 inches, provided they are located at least 24 inches from any property line.
11. **Light standards. [New]** In nonresidential zoning districts, light standards used in conjunction with the illumination of parking lots and walkways shall be allowed to encroach (PQ How many feet?) into a required setback area provided all of the requirements of Section 20.30.060 (Outdoor Lighting) are complied with.
12. **Protective Railing.** Protective railings around balconies and windows required by Municipal Code Title 15 may encroach up to 6 inches into a required setback area.
13. **Second stories abutting alleys.** In residential districts having alleys to the rear of the lot or development site, a second story encroachment may be allowed to encroach into the required setback area subject to the following conditions:
 - a. Encroachments shall not extend closer than 7.5 feet to the center of any alley;
 - b. Encroachments shall not extend closer than 2.5 feet to the rear property line;
 - c. That portion of the building that encroaches into the required rear setback area shall have a minimum ground clearance of 8 feet; and
 - d. No encroachment shall be allowed on lots having a depth exceeding 85 feet.
14. **Swimming pools.** Swimming pools may encroach into a side or rear setback area.

20.30.100 – Solid Waste and Recyclable Materials Storage [New]

- A. Purpose.** This Section provides standards for the provision of solid waste (refuse) and recyclable material storage areas in compliance with State law (California Solid Waste Reuse and Recycling Access Act, Public Resources Code Section 42900) and Chapter 6.04 (Garbage Refuse and Cuttings) of the Municipal Code.
- B. Applicability.**
- 1. New developments.** All new development projects requiring a Building Permit shall provide adequate, accessible, and convenient areas for collecting and loading solid waste and recyclable materials.
 - 2. Existing developments undergoing alterations.** An existing development that is undergoing alterations, including remodeling and additional floor area shall provide adequate, accessible, and convenient areas for collecting and loading solid waste and recyclable materials in compliance with this Section to the greatest extent possible as determined by the Director.
- C. Multi-unit projects.** Multi-unit residential projects with 5 or more dwelling units shall provide refuse and recyclable material storage areas in compliance with the requirements provided in Table 3-4, below.

**TABLE 3-4
MULTI-UNIT DEVELOPMENT
MINIMUM COMMON STORAGE AREAS REQUIRED
(SQ. FT.)**

Number of Dwellings	(SQ. FT.)		Total Area
	Refuse	Recycling	
5-6	16	16	32
7-15	24	24	48
16-25	48	48	96
26-50	96	96	192
51-75	144	144	288
76-100	192	192	384
101-125	240	240	480
126-150	288	288	576
151-175	316	316	672
176-200	384	384	768
201+	Every additional 25 dwellings shall require an additional 100 sq. ft. for solid waste and 100 sq. ft. for recyclables.		

- D. Nonresidential projects.** Nonresidential projects within all zoning districts (PQ: what does this apply to in residential zones where a permit is required? Only day care? Recovery facilities?) shall provide refuse and recyclable material storage areas in compliance with the minimum storage area requirements provided in Table 3-5, below. These requirements apply to each individual structure. Food service uses may require additional storage areas as determined by the review authority.

**TABLE 3-5
NONRESIDENTIAL STRUCTURES
MINIMUM STORAGE AREAS REQUIRED (SQ. FT)**

Structure Floor Area (SQ. FT.)	Refuse	Recycling	Total Area
0-5,000	16	16	32
5,001-10,000	24	24	48
10,001-25,000	48	48	96
25,001-50,000	96	96	192
50,001-75,000	144	144	288
75,001-100,000	192	192	384
100,001+	Every additional 25,000 sq. ft. shall require an additional 48 sq. ft. for solid waste and 48 sq. ft. for recyclables.		

E. Development standards for nonresidential and multi-unit projects. The design and construction of the storage area(s) for solid waste shall comply with all of the following requirements. It shall:

1. Comply with the dimension, capacity, and number requirements in this Subsection and shall be adequate in distribution to serve the development project;
2. Include an adequate number of bins and containers located within the storage areas to allow for the collection and loading of solid waste and recyclable materials generated by the development project;
3. Include a sign that is permanently posted or painted on each container clearly identifying the container type and the name and telephone number of the company responsible for maintaining the containers;
4. Be appropriately located and screened from any public rights-of-way and/or public property as seen from a point 6 feet above ground level. Screening shall consist of solid masonry walls, metal gates, and landscaping;
5. Be compatible with the surrounding structures and land uses;
6. Be properly secured to prevent access by unauthorized persons, while allowing authorized persons access for disposal of materials;
7. Provide a concrete pad within the fenced or walled area(s) and a concrete apron, which facilitates the handling of the individual bins or containers;
8. Protect the areas and the individual bins or containers provided within from adverse environmental conditions that might render the collected materials unmarketable; and
9. Comply with National Pollutant Discharge Elimination System (NPDES) and Regional Water Quality Control Board (RWQCB).

F. Location standards for nonresidential and multi-unit projects. Refuse and recyclable materials storage areas shall be located in the following manner:

1. Locations where recyclable materials are deposited, collected, and loaded shall be as convenient as the locations where solid waste materials are deposited, collected, and loaded. Wherever feasible, recycling areas shall be located adjacent to or combined with solid waste collection areas.
2. Storage areas shall only be located:
 - a. Inside a specially-designated structure; and
 - b. Outside required setback areas, parking spaces, or required landscaped areas.
3. Storage area(s) shall be accessible to residents and employees at all times. Storage areas within multi-unit residential developments shall be located within 250 feet of an access doorway to the dwellings that they are intended to serve.
4. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles utilized by the designated collector.
5. Storage areas shall not be closer than 20 feet from doors or operable windows of adjacent structures and property located in a residential zoning district.

G. Development and location standards for residential uses with one to four units.

1. Trash constrainer storage areas shall be located out of view from public places and shall not be located in required parking areas.
2. If trash container storage areas cannot be located out of public view they shall be screened from public view. Screening shall consist of fences, walls, and landscaping to a height at least 6 inches above the tops of the containers.

20.30.110 – Traffic Safety Visibility Area [Revised]

- A. Visibility at corners of intersections required.** Corner lots in all zoning districts shall be developed in a manner that ensures visibility across the corners of the intersecting streets, alleys, and private driveways.
- B. Traffic safety visibility area described.** The traffic safety visibility area shall be described as a triangular-shaped area on a corner lot formed by measuring the prescribed distance from the intersection of the front and street side property lines, an intersecting alley, or an intersecting driveway and connecting the lines diagonally across the property making a 90-degree triangle. For an intersecting street and driveway the distance shall be 5 feet. See Figure 3-X below.

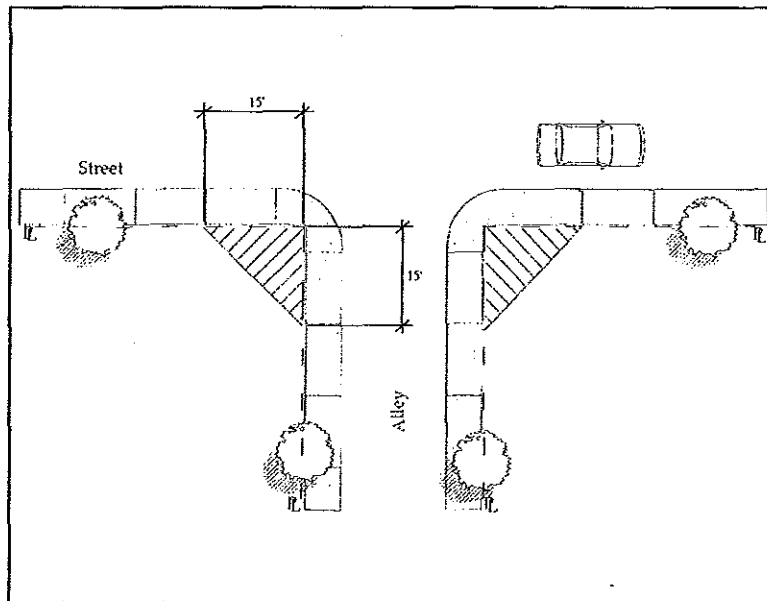


Figure 3-7
Traffic Safety Visibility Area

- C. Area of traffic safety visibility area.** The dimensions of a traffic safety visibility triangle shall be as follows and shall be subject to the approval of the City Traffic Engineer.
1. City standard 110-L shall apply to the intersection of two street rights-of-way,
 2. 15 feet from the intersection of a street right-of-way and an alley,
 3. 15 feet from the intersection of two alleys,
 4. 5 feet from the corner of an intersecting street right-of-way and a driveway, and
- D. Height limit.** The following shall not be erected, placed, planted, or allowed to grow within the traffic safety visibility area;
1. Fences, walls, signs, structures, mounds of earth, or other visual obstructions over 30 inches in height; PQ: Does Bayside Chevron meet this standard with its vents and other improvements?
 2. Hedges, shrubbery, and vegetation over or with a growth characteristic over 24 inches in height; and
 3. Tree canopies of a single trunk tree shall be maintained at a minimum height of 7 feet above ground level, as measured from adjacent street curb elevation.
- E. Exemption from height limit.** Improvements, structures, or vegetation that exceed the height limit may be allowed in the traffic safety visibility area by the City Traffic Engineer if it is determined that the location and/or height of the existing or proposed hedge, shrubbery, structure or other obstruction allows for the unobstructed view of oncoming

traffic, bicyclists, and pedestrians by a driver approaching an intersection or juncture between street and private driveway.

Chapter 20.52 – Off-Street Parking and Loading Standards

Sections:

- 20.52.010 – Purpose
- 20.52.020 – Applicability
- 20.52.030 – Requirements for Off-Street Parking
- 20.52.040 – Off-Street Parking Spaces Required
- 20.52.050 – Development Standards for Parking Areas
- 20.52.060 – Parking for Nonresidential Uses in Residential Zoning Districts [New]
- 20.52.070 – Parking Standards for Residential Uses
- 20.52.080 – Off-Site Parking
- 20.52.090 – Adjustments to Off-Street Parking Requirements
- 20.52.100 – Parking Management Districts
- 20.52.110 – Off-Street Loading Requirements

20.52.010 – Purpose

The purpose of this Chapter is to provide off-street parking and loading standards to:

- A. Provide for the general welfare and convenience of persons within the City by ensuring that sufficient parking facilities are available to meet the needs generated by specific uses and that adequate parking is provided, to the extent feasible;
- B. Provide accessible, attractive, secure, and well-maintained off-street parking and loading facilities;
- C. Increase public safety by reducing congestion on public streets and to minimize impacts to public street parking available for coastal access and recreation;
- D. Ensure access and maneuverability for emergency vehicles; and
- E. Provide loading and delivery facilities in proportion to the needs of allowed uses.

20.52.020 – Applicability

- A. **Off-street parking required.** Each use, including a change or expansion of a use or structure, except as otherwise provided for in Chapter 20.50 (Nonconforming Uses and Structures) shall have appropriately maintained off-street parking and loading areas in compliance with the provisions of this Chapter. A use shall not be commenced and structures shall not be occupied until improvements required by this Chapter are satisfactorily completed.

- B. Change, enlargement, or intensification of use.** Changes in use and enlargement or intensification of an existing use shall require compliance with the off-street parking requirements of this Chapter, except as allowed in Chapter 20.50 (Nonconforming Uses and Structures).

20.52.030 – Requirements for Off-Street Parking

- A. Parking required to be on-site.** Parking shall be located on the same lot or development site as the uses served, except for the following:
- 1. Townhouses and multi-tenant uses.** Where parking is provided on another lot within the same development site, the parking shall be located within 200 feet of the units they are intended to serve.
 - 2. Off-site parking agreement.** Parking may be located off site with the approval of an off-site parking agreement in compliance with Subsection 20.52.080.C (Parking agreement).

PQ: Parking waivers?

- B. Permanent availability required.** Each parking and loading space shall be permanently available and maintained for parking purposes for the use it is intended to serve. The Director may authorize the temporary use of parking or loading spaces for other than parking or loading in conjunction with a seasonal or intermittent use allowed in compliance with Section 20.66.080 (Limited Term Permit).
- C. Parking and loading to be unrestricted.** During business hours, parking and loading facilities required by this Division shall be available to the building's occupants, customers, and visitors without charge. A fee for parking may only be charged for spaces that exceed the requirements of this Chapter.
- D. Maintenance.** Parking spaces, driveways, maneuvering aisles, turnaround areas, and landscaping areas shall be kept free of dust, graffiti, and litter. Striping, paving, walls, light standards, and all other facilities shall be permanently maintained in good condition.
- E. Vehicles for sale.** Vehicles, trailers, or other personal property shall not be parked upon a private street, parking lot, or private property for the primary purpose of displaying the vehicle, trailer, or other personal property for sale, hire, or rental, unless the property is appropriately zoned, and the vendor is licensed to transact a vehicle sales business at that location.
- F. Calculation of spaces required.**
- 1. Fractional spaces.** Fractional parking space requirements shall be rounded up to the next whole space.
 - 2. Bench seating.** Where bench seating or pews are provided, 18 linear inches of seating shall be considered to constitute a separate or individual seat.
 - 3. Gross floor area.** References to spaces per square foot are to be calculated on the basis of gross floor area unless otherwise specified.

4. **Net public area.** "Net Public Area" shall be defined as the total area accessible to the public within an eating and/or drinking establishment, excluding kitchens, restrooms, offices pertaining to the use, and storage areas.
 5. **Spaces per occupant.** References to spaces per occupant are to be calculated on the basis of maximum occupancy approved by the City of Newport Beach Fire Department.
 6. **Spaces required for multiple uses.** If more than one use is located on a site, the number of required off-street parking spaces shall be equal to the sum of the requirements prescribed for each use.
- G. **Nonconforming parking and loading.** Land uses and structures that are non-conforming due solely to the lack of off-street parking or loading facilities required by this Chapter, shall be subject to the provisions of Section 20.50.060 (Nonconforming Parking).

20.52.040 – Off-Street Parking Spaces Required

Off-street parking spaces shall be provided in compliance with Table 3.11, below. These standards shall be considered the minimum required to preserve the public health, safety, and welfare, and more extensive parking provisions may be required by the Director or review authority in particular circumstances.

TABLE 3.11 OFF-STREET PARKING REQUIREMENTS	
Land Use	Parking Spaces Required
Industry, Manufacturing & Processing, Warehousing Uses	
Food Processing	1 per 2,000 sq. ft.
Handicraft Industry	1 per 500 sq. ft.
Industry	
Small - 5,000 sq. ft. or less	1 per 500 sq. ft.
Large - Over 5,000 sq. ft.	1 per 1,000 sq. ft.
Industry, Marine Related	1 per 750 sq. ft.
Personal Storage (Mini Storage) PQ: What about some loading spaces for the people storing stuff?	2 for resident manager, plus additional for office as required by Minor Use Permit
Research and Development	1 per 500 sq. ft.
Warehousing and Storage	1 per 2,000 sq. ft., plus 1 per 350 sq. ft. for offices. Minimum of 10 spaces per use
Wholesaling	1 per 1,000 sq. ft.
Recreation, Education, and Public Assembly Uses	
Assembly/Meeting Facilities	1 per 3 seats or 1 per 35 sq. ft. used for assembly purposes
Commercial Recreation and Entertainment	As required by Conditional Use Permit
Cultural Institutions	1 per 300 sq. ft.
Schools, Public and Private	As required by Conditional Use Permit

OFF-STREET PARKING REQUIREMENTS	
Land Use	Parking Spaces Required
Residential Uses	
Accessory Dwelling Units	1 per unit; a minimum of 2 covered per site.
Single-Unit Dwellings - Attached	2 per unit in a garage
Single-Unit Dwellings - Detached	2 per unit in a garage
Single-Unit Dwellings - Balboa Island	2 per unit in a garage
Multi-Unit Dwellings - up to 3 units	2 per unit in a garage, plus guest parking; 1 - 2 units, no guest parking required 3 units, 1 guest parking space
Multi-Unit Dwellings - 4 units or more	2 per unit in a garage, plus 0.5 space per unit for guest parking
Two-Unit Dwellings	2 per unit in a garage
Live/work units [New]	2 per unit in a garage, plus 2 for guest/customer parking
Senior Housing	1 per unit PQ: Why not 2?
Retail Trade Uses	
Appliances, Building Materials, Home Electronics, Furniture, Nurseries, and Similar Large Warehouse-type Retail Sales and Bulk Merchandise Facilities	1st 10,000 sq. ft. - 1space per 300 sq. ft. Over 10,000 sq. ft. - 1 space per 500 sq. ft. Plus 1 per 1,000 sq.ft. of outdoor merchandise areas
Food and Beverage Sales	1 per 200 sq. ft.
Marine Rentals and Sales	
Boat Rentals and Sales	1 per 1,000 sq. ft. of lot area, plus 1 per 350 sq. ft of office area
Marine Retail Sales	1 per 250 sq. ft.
Retail Sales	1 per 250 sq. ft.
Shopping Centers	1 per 200 sq. ft.
Service Uses – Business, Financial, Medical, and Professional	
Convalescent Facilities	1 per 3 beds or as required by Conditional Use Permit
Emergency Health Facilities	1 per 200 sq. ft.
Financial Institutions and Related Services	1 per 250 sq. ft.
Hospitals	1 per bed; plus 1 per resident doctor and 1 per employee.
Offices* - Business, Corporate, General, Governmental	
Up to 50,000 sq. ft.	1 per 250 sq. ft.
50,001 - 125, 000 sq. ft.	1 per 300 sq. ft.
125,001 sq. ft. and greater	1 per 350 sq. ft.
* Not more than 20% medical office uses.	
Offices - Medical and Dental Offices	1 per 200 sq. ft.
Outpatient Surgery Facility	1 per 250 sq. ft.
Service Uses - General	

OFF-STREET PARKING REQUIREMENTS	
Land Use	Parking Spaces Required
Adult-Oriented Businesses	1 per 1.5 occupants or as required by Conditional Use Permit
Ambulance Services	1 per 500 sq. ft.; plus 2 storage spaces.
Animal Sales and Services	
Animal Boarding/Kennels	1 per 400 sq. ft.
Animal Grooming	1 per 400 sq. ft.
Animal Hospitals/Clinics	1 per 400 sq. ft.
Animal Retail Sales	1 per 250 sq. ft.
Artists' Studios	1 per 1,000 sq. ft.
Catering Services	1 per 400 sq. ft.
Care Uses	
Adult Day Care – Small (6 or fewer)	Spaces required for dwelling unit only.
Adult Day Care - Large (7 or more)	2 per site for drop-off and pick-up purposes (in addition to the spaces required for the dwelling unit).
Child Day Care – Small (6 or fewer)	Spaces required for dwelling unit only.
Child Day Care - Large (9 to 14)	2 per site for drop-off and pick-up purposes (in addition to the spaces required for the dwelling unit).
Day Care - General (15 or more)	1 per 7 occupants based on maximum occupancy allowed per license.
Residential Care - General (7 to 14)	2 per site for drop-off and pick-up purposes (in addition to the spaces required for the dwelling unit).
Eating and Drinking Establishments	
Accessory (open to public)	1 per each 3 seats or 1 per each 75 sq. ft. of net public area., whichever is greater
Bars, Lounges, and Nightclubs	1 per each 4 persons based on allowed occupancy load or as required by Conditional Use Permit
Food Service [New]	1 per 175 sq. ft. of gross area, including outdoor dining areas, but excluding the first 25% or 1,000 sq. ft of outdoor dining area, whichever is less.
Food Service - Fast food	1 per 50 sq. ft., and 1 per 100 sq. ft. for outdoor dining areas
Take-Out Service - Limited	1 per 250 sq. ft.
Take-Out Service Only - no seating	1 per 50 sq. ft.
Emergency Shelter	As required by Conditional Use Permit
Funeral Homes and Mortuaries	1 per 35 sq. ft. of seating area
Health/Fitness Facilities	
Small - 2,000 sq. ft or less	1 per 250 sq. ft.
Large - Over 2,000 sq. ft.	1 per 200 sq. ft.
Laboratories (medical, dental, and similar)	1 per 500 sq. ft.
Maintenance and Repair Services	1 per 500 sq. ft.
Marine Services	
Boat Storage - Dry	0.33 per storage space or as required by Conditional Use Permit

OFF-STREET PARKING REQUIREMENTS	
Land Use	Parking Spaces Required
Boat Yards	As required by Conditional Use Permit
Dry Docks	2 per dry dock
Entertainment and Excursion Services	1 per each 3 passengers and crew members
Marine Service Stations	As required by Conditional Use Permit
Sport Fishing Charters	1 per each 2 passengers and crew members
Water Transportation Services - Office	1 per 100 sq. ft., minimum 2 spaces
Personal Services	
Massage Establishments	1 per 200 sq. ft. or as required by Conditional Use Permit
Nail Salons	1 per 80 sq. ft.
Personal Services, General	1 per 250 sq. ft.
Studio (dance, music, and similar)	1 per 250 sq. ft.
Postal Services	1 per 250 sq. ft.
Printing and Duplicating Services	1 per 250 sq. ft.
Recycling Facilities	
Collection Facility - Large	4 spaces minimum, but more may be required by the review authority
Collection Facility - Small	As required by the review authority
Visitor Accommodations	
Bed and Breakfast Inns	1 per guest room, plus 2 spaces
Hotels	1 per 2 guest rooms
Motels	1 per guest room or unit
Recreational Vehicle Parks	As required by Conditional Use Permit
Time Shares	1.2 per unit, plus 1 for each 50 sq. ft. of banquet seating or meeting area
Transportation, Communications, and Infrastructure Uses	
Communication Facilities	1 per 500 sq. ft.
Heliports and Helistops	As required by Conditional use Permit
Marinas	0.75 per slip or 0.75 per 25 feet of mooring space
Vehicle Rental, Sale, and Service Uses	
Vehicle/Equipment Rentals	
Office Only	1 per 250 sq. ft.
Limited	1 per 300 sq. ft., plus 1 per rental vehicle (not including bicycles and similar vehicles)
Vehicle/Equipment Rentals and Sales	1 per 1,000 sq. ft. of lot area
Vehicle Sales, Office Only	1 per 250 sq. ft., plus 1 as required by DMV
Vehicle/Equipment Repair (General and Limited)	1 per 300 sq. ft. or 5 per service bay whichever is more
Vehicle/Equipment Services	
Automobile Washing	1 per 200 sq. ft. of office or lounge area; plus queue for 5 cars per washing station
Service Station	1 per 300 sq. ft. or 5 per service bay whichever is more; minimum of 4
Service Station with Convenience Market	1 per 200 sq. ft., in addition to 5 per service bay

TABLE 3-12 OFF-STREET PARKING AND LOADING STANDARDS	
Land Use	Parking Spaces Required
Vehicle Storage	1 per 500 sq. ft.
Other Uses	
Caretaker Residence	1 per unit
Special Events	As required by Municipal Code Chapter 11.03
Temporary Uses	As required by the Limited Term Permit in compliance with Section 20.66.080

20.52.050 – Development Standards for Parking Areas [New]

- A. Access to parking areas.** Access to off-street parking areas shall be provided in the following manner:

1. **Nonresidential and multi-unit.** Parking areas for nonresidential and multi-unit uses:
 - a. Adequate and safe maneuvering aisles shall be provided within each parking area so that vehicles enter an abutting street or alley in a forward direction.
 - b. The Director may approve exceptions to the above requirement for parking spaces immediately adjoining a public alley, provided not more than 10 feet of the alley right-of-way is used to accommodate the required aisle width, and provided the spaces are set back from the alley the required minimum distances shown in the table, below.

**TABLE 3-12
PARKING SETBACK FROM ALLEY**

Alley Width	Minimum Setback
15'-0" or less	5'-0"
15'-1" to 19'-11"	3'-9"
20'-0" or more	2'-6"

- c. The first parking space within a parking area accessed from a public street shall be set back a minimum of 5 feet from the property line.
2. **Access ramps.** Ramps providing vehicle access to parking areas shall not exceed a slope of 15 percent. Changes in the slope of a ramp shall not exceed 11 percent and may occur at 5-foot intervals. Refer to Public Works Standard 160 A, B, and C. The Director of Public Works may modify these standards to accommodate specific site conditions.

B. Location of parking facilities.

1. **Residential uses.** Parking facilities serving residential uses shall be located on the same site as the use the parking is intended to serve. Additional requirements are provided in Section 20.52.070 (Parking Standards for Residential Uses), below.
2. **Nonresidential uses.** Parking facilities for nonresidential uses shall be located on the same site as the use the parking is intended to serve, except where an off site parking facility is approved in compliance with Section 20.52.080 (Off-site Parking).
3. **Parking structures.** When adjacent to a residential zoning district, the development of structured parking, including rooftop parking shall require the approval of a Conditional Use Permit to address mitigate any potential impacts to adjacent residential uses.
4. **Parking on slopes.** Parking shall not be allowed on slopes greater than 5 percent.

C. Parking space and lot dimensions.

1. **Minimum parking space and drive aisle dimensions.** Each parking space, drive aisle, and other parking lot features shall comply with the minimum dimension requirements in Tables 3-13~~x~~ and 3-14~~x~~, below, and as illustrated in Figure 3-x.
2. **Width of one way aisle.** The width of one way aisles may be reduced by the Public Works Director in unique situations arising from narrow lots or existing built conditions when traffic safety concerns have been addressed.

**TABLE 3-13
MINIMUM STANDARD PARKING SPACE SIZE**

Minimum Standard Space Requirements	
Width	Length
8 ft. 6 in.	17 ft

**TABLE 3-14
STANDARD VEHICLE SPACE REQUIREMENTS**

Angle (degrees)	Stall Width (1)	Stall Depth (2)	Stall Length	Aisle Width	
				One-Way	Two-Way
Parallel	8 ft	8 ft	22 ft	14 ft	24 ft
30	8 ft 6 in	16 ft	17 ft	14 ft	N/A
45	8 ft 6 in	18 ft	17 ft	14 ft	N/A
60	8 ft 6 in	19 ft	17 ft	18 ft	N/A
	8 ft 6 in		17 ft		

(2) Adjacent to residential use.

- (a) Parking areas for nonresidential uses adjoining residential uses shall provide a landscaped buffer yard with a minimum of 5 feet in width between the parking area and the common property line bordering the residential use. A solid masonry wall and landscaping in compliance with Subsection 20.30.020.D (Screening and buffering between different zoning districts) shall be provided along the property line. PQ: What about Villa Balboa and Hoag along the lower parking/building area? *next meet.*

- (b) Trees shall be provided at a rate of one for each 30 feet of landscaped area and shall be a minimum 24 inch box container at time of planting.

b. Interior parking lot landscaping. [New]**(1) Trees required.**

- (a) **Number and location.** Trees shall be evenly spaced throughout the interior parking area at a rate of one tree for every 5 parking spaces. Trees shall be located in planters that are bounded on at least 3 sides by parking area paving. Planters shall have a minimum interior dimension of 6 feet.

- (b) **Size.** All trees within the parking area shall be a minimum 24 inch box container at time of planting.

(2) Ends of aisles. All ends of parking aisles shall have landscaped islands planted with trees, shrubs, and ground cover.

(3) Larger projects. Parking lots with more than 100 spaces shall provide an appropriate entry feature consisting of a concentration of landscape elements, including specimen trees, flowering plants, enhanced paving, and project identification.

4. Lighting. Parking lots shall be lighted so that there is an average illumination over the entire lot of 2.5 footcandles and a minimum of 1.0 footcandle. PQ: Need to include a prohibition of light and glare spill off site *next meet.*

5. Stall markings, directional arrows, and signs.

- a. Parking spaces shall be clearly outlined with 4-inch-wide lines painted on the surface of the parking facility. Car pool and van pool spaces shall be clearly identified for exclusive use of car pools and van pools.
- b. Parking spaces for the disabled shall be striped and marked so as to be clearly identified in compliance with the applicable Federal, State, and City standards.

4. The parking lot is not detrimental or injurious to property and improvements in the neighborhood; and
 5. The parking lot is located within a reasonable walking distance of the use to which it is an accessory.
- C. **Access.** Access to parking lots shall be from commercial streets or alleys. An exception may be granted by the Commission if no commercial streets are available for access.
- D. **Passenger vehicle parking only.** Parking lots shall be used solely for the parking of passenger vehicles.
- E. **Signs.** No signs, other than signs designating entrances, exits, and conditions of use shall be maintained in parking areas. Signs shall not exceed 4 square feet in area and 5 feet in height. The number and location shall be approved by the Director before installation.
- F. **Perimeter wall.** The parking lot shall have a solid masonry wall 6 feet in height along all interior property lines adjacent to residential zoning districts and 36 inches in height adjacent to streets and the front setback area of an abutting residential use.
- G. **Development standards.** The parking lot shall be developed in compliance with the development standards of this Chapter and the outdoor lighting standards in Section 20.30.060 (Outdoor lighting).
- H. **No overnight parking.** Overnight parking shall be prohibited and the parking lot shall be secured after business hours to prevent any use of the facility.

20.52.070 – Parking Standards for Residential Uses [Revised]

- A. **Parking space and driveway dimensions.**
1. **Minimum interior dimensions.**
 - a. **Lots less than 40 feet wide.** Required parking spaces shall have a minimum interior width of 17 feet, 6 inches and a minimum interior depth of 19 feet.
 - b. **Lots 40 feet wide and greater.** Required parking spaces shall have a minimum interior width of 18 feet, 6 inches and a minimum interior depth of 20 feet.
 2. **Tandem parking.** Where tandem parking is provided, one space may have a minimum interior depth of 16 feet, provided the space is not used to meet the requirements for covered parking. Tandem parking up to a maximum of 2 cars in depth shall be allowed.
 3. **Driveway width.** Driveways visible from a public right-of-way shall not be wider than required to access an adjacent garage as follows:
 - a. One car garage: 10 feet wide

- b. Two car garage: 20 feet wide
- c. Three car garage: 25 feet wide
- d. Four car garage: 32 feet wide

- 4. **Vertical clearances.** The minimum unobstructed vertical clearance for parking spaces shall be 7 feet, except that the front 4 feet may have a minimum vertical clearance of 4 feet.

B. Access to parking.

- 1. **Direct access required.** Each parking space shall be capable of being accessed directly from an adjoining vehicular right-of-way or over an improved hard surfaced driveway, except for approved tandem parking spaces.
- 2. **Clear access required.** Where access to a required parking space is taken over a driveway, the driveway shall be maintained free and clear at all times except for the parking of currently registered, licensed motor vehicles, and for temporary obstructions that are incidental to the use of the property. Temporary obstructions in the driveway shall be allowed only for a period up to 72 hours.

C. Location of parking.

- 1. **Allowed parking areas.** Parking is allowed only in required permanent parking areas and on driveways leading to required parking areas. Under no circumstances shall landscaped and hardscaped areas, other than driveways, be used for the temporary parking of vehicles.
- 2. **Garages facing the street.** Garages with doors that face the street that are located within 20 feet of the front property line shall be equipped with automatic roll-up doors. PQ: Is this from HOA bylaws? Why are we proscribing garage door types?
- 3. **Parking located in required setback areas.** The following requirements shall apply to the parking or storage of motor vehicles, recreational vehicles, watercraft, trailers, and similar items in residential zoning districts:
 - a. **Front setback areas.** Parking or storage in required front setback areas shall be prohibited, except on driveways in front of garages that set back a minimum of 20 feet from the front property line.
 - b. **Side setback areas.** Parking or storage in required side setback areas (behind the rear line of the required front setback area) shall be allowed.
 - c. **Rear setback areas without alleys.** Parking or storage in required rear setback areas shall be allowed. PQ: The public had concerns about this. Should we consider changing it? What would it do to parking in the peninsula?
 - d. **Rear setback areas with alleys.** Parking or storage in required rear setback areas shall **not** be allowed.

20.52.080 – Off-Site Parking

- A. Conditional Use Permit required.** Approval of a Conditional Use Permit shall be required for a parking facility or any portion of required parking that is not located on the same site it is intended to serve.
- B. Findings.** In order to approve a Conditional Use Permit for an off site parking facility the Commission shall make all of the following findings in addition to those required for the approval of a Conditional Use Permit:
1. The parking facility PQ: not on street parking spaces is located within a convenient distance to the use it is intended to serve;
 2. Use of the parking facility will not create undue traffic hazards or impacts in the surrounding area; and
 3. The parking facility will be permanently available, marked, and maintained for the use it is intended to serve.
- C. Parking agreement.** A parking agreement, which guarantees the long term availability of the parking facility for the use it is intended to serve, shall be recorded with the County Recorder's Office. The agreement shall be in a form approved by the City Attorney and the Director
- D. Loss of off site Parking.**
1. **Notification of City.** The owner or operator of a business that uses approved off site parking facility to satisfy the parking requirements of this Chapter shall immediately notify the Director of any change of ownership or use of the property where the spaces are located, or changes in the use that the spaces are intended to serve, or of any termination or default of the agreement between the parties.
 2. **Effect of termination of agreement.** Upon notification that the agreement for the required off site parking has terminated, the Director shall establish a reasonable time in which one of the following shall occur:
 - a. Substitute parking is provided that is acceptable to the Director; or
 - b. The size or capacity of the use is reduced in proportion to the parking spaces lost.

20.52.090 – Adjustments to Off-Street Parking Requirements [Revised]

The number of parking spaces required by this Chapter may be reduced only in compliance with the following standards and procedures.

- A. ADA compliance.** The Director may administratively reduce parking requirements due to a loss of parking spaces because of increased ADA requirements associated with tenant improvements.

B. Reduction of required off-street parking. Off-street parking requirements may be reduced with the approval of a Conditional Use Permit in compliance with Section 20.66.090 (Conditional Use Permits and Minor Use Permits) as follows:

1. Reduced parking demand. Required off-street parking may be reduced with the approval of a Conditional Use Permit in compliance with the following conditions:

- a. The applicant has provided sufficient data, including a parking study if required by the Director, to indicate that parking demand will be less than requirement (e.g., City parking lot PQ : not on street parking located nearby, greater than normal walk in trade, mixed use development) ; and
- b. A parking management plan shall be prepared in compliance with Subsection C (Parking management plan), below

2. Joint use of parking facilities. Required off-street parking may be reduced with the approval of a Conditional Use Permit where two or more nonresidential uses on the same site or immediately adjacent sites have distinct and differing peak parking demands (e.g. a theater and a bank). The review authority may grant a joint use of parking spaces between the uses that results in a reduction in the total number of required parking spaces in compliance with the following conditions:

- a. The most remote space is located within a convenient distance to the use it is intended to serve;
- b. The amount of reduction is no greater than the number of spaces required for the least intensive of the uses sharing the parking;
- c. The probable long-term occupancy of the structures, based on their design, will not generate additional parking demand;
- d. The applicant has provided sufficient data, including a parking study if required by the Director, to indicate that there is no conflict in the peak parking demand for the uses proposing to make joint use of the parking facilities;
- e. The property owners involved in the joint use of parking facilities shall record a parking agreement approved by the Director and City Attorney. The agreement shall be recorded with the County Recorder, and a copy shall be filed with the Department; and
- f. A parking management plan shall be prepared in compliance with Subsection C (Parking management plan), below

C. Parking management plan. When a parking management plan to mitigate impacts associated with a reduction in the number of required parking spaces is required by this Chapter, the parking management plan shall include the following:

- 1. Restricting land uses to those that have hours or days of operation so that the same parking spaces can be used by two or more uses without conflict;

2. Restricting land uses with high parking demand characteristics;
 3. Securing off site parking in compliance with Section 20.52.080 (Off-site Parking); and
 4. Providing parking attendants and valet parking.
- D. **Required Data.** In reaching a decision to allow a reduction of required parking spaces, the review authority shall consider data submitted by the applicant or collected/prepared at the applicant's expense.

20.52.100 – Parking Management Districts

Properties within a parking management district, established through the PM (Parking Management) Overlay District, may be exempted from all or part of the off-street parking requirements of this Chapter in compliance with the provisions of the adopted parking management district plan which is consistent with the General Plan.

20.52.110 – Off-Street Loading Requirements

A. Number of loading spaces required.

1. **Up to 10,000 square feet.** Nonresidential uses with less than 10,000 square feet of gross floor area shall provide one off-street loading space, which may be combined with up to 2 off-street parking spaces.
2. **10,000 square feet or greater.** Nonresidential uses with 10,000 square feet of gross floor area or more shall provide off-street loading space(s) in compliance with Table 3-15, below.
3. **Uses not listed.** Requirements for uses not specifically listed shall be determined by the Director based upon the requirements for comparable uses and upon the particular characteristics of the proposed use.

**TABLE 3-15
REQUIRED LOADING SPACES**

Type of Land Use	Total Gross Floor Area	Loading Spaces Required
Manufacturing, research and development, institutional, and service uses	10,000 – 30,000 sq. ft.	One
	30,001 sq. ft. or more	One for each additional 20,000 sq. ft., plus additional as required by Director.
Office uses	30,000 to 60,000 sq. ft.	One
	60,001 + sq. ft.	One for each additional 30,000 sq. ft., plus additional as required by Director.
Commercial and other	10,000 to 20,000 sq. ft.	One

allowed uses	20,001 + sq. ft.	One for each additional 10,000 sq. ft., plus additional as required by Director.
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B. Development standards for off-street loading areas.

1. **Dimensions.** Loading spaces shall be at least 10 feet in width, 25 feet in length, with 14 feet of vertical clearance.
2. **Lighting.** Loading areas shall have lighting capable of providing adequate illumination for security and safety. Lighting sources shall be shielded to prevent light spill beyond the property line. Lighting fixtures shall be energy-efficient and in scale with the height and use of adjacent structure(s).
3. **Location.** Loading spaces shall be located and designed as follows:
 - a. As near as possible to the main structure and limited to the rear two-thirds of the lot, if feasible;
 - b. Situated to ensure that the loading facility is screened from adjacent streets to the greatest degree feasible;
 - c. Situated to ensure that loading and unloading takes place on-premises and in no case within an adjacent public right-of-way or other traffic circulation areas on-premises;
 - d. Situated to ensure that vehicular maneuvers occur on-premises; and
 - e. Situated to avoid adverse impacts upon neighboring residential properties.
4. **Striping.** When required by the review authority, loading areas shall be striped and identified for "loading only." The striping shall be maintained in good condition at all times.

PQ: What about in lieu parking requirements?